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ABSTRACT

Two witnesses presented testimony: Dr. Michael Kirst, School of Education and Business Administration, Stanford University; and Dr. Stephen Bailey, chairman, Policy Institute, Syracuse University Research Corporation, and Regent of the State of New York. An article by Dr. Kirst, "Delivery System for Federal Aid to Disadvantaged Children: Problems and Prospects," is appended. Its contents include: introduction and overview--changing concepts of federalism; general constraints on federal program effectiveness in reaching the disadvantaged; federal education programs for the disadvantaged--promise and reality; and, federal categorical aid--a title by title analysis. Also appended is a comprehensive evaluation of ESEA Title I programs in Louisiana, as of September 1970. The programs are reviewed on a parish-by-parish basis. Also included is a report by the Washington Research Project of the Southern Center for Studies in Public Policy and the NAACP Legal Defense and Educational Fund, Inc., entitled "Title I of E.S.E.A.: Is it helping poor children?" Its contents include: Introduction--why and how this review was conducted; how Title I works; Title I as general aid; Title I in place of state and local money; construction and equipment; failure to meet the needs of educationally deprived children; lack of community involvement and denial of information; and, federal and state administration of Title I. (JM)

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EQUAL EDUCATIONAL OPPORTUNITY—1971

HEARINGS

BEFORE THE

SELECT COMMITTEE ON
EQUAL EDUCATIONAL OPPORTUNITY

OF THE

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

EQUAL EDUCATIONAL OPPORTUNITY

PART 17—DELIVERY SYSTEMS FOR FEDERAL AID TO DISADVANTAGED CHILDREN

WASHINGTON, D.C., OCTOBER 7, 1971

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DELIVERY SYSTEMS FOR FEDERAL AID TO DISADVANTAGED CHILDREN

THURSDAY, OCTOBER 7, 1971

U.S. Senate
Select Committee on
Equal Educational Opportunity
Washington, D.C.

The Select Committee met at 10:05 a.m., pursuant to call, in room 1114 of the New Senate Office Building, the Honorable Walter F. Mondale, chairman of the committee, presiding.

Present: Senator Mondale.

Staff members present: William C. Smith, staff director and general counsel; and Leonard Strickman, minority counsel.

Senator Mondale. The committee will come to order.

This morning we hear from Professor Michael W. Kirst, who used to be a staff member of the Labor and Public Welfare Committee and now comes back in a more respectable role, a professor at Stanford University; and Dr. Stephen K. Bailey, of Syracuse University; both of whom will testify about the administration of Federal education programs. I think Professor Kirst might lead off.

STATEMENT OF DR. MICHAEL W. KIRST, SCHOOL OF EDUCATION AND BUSINESS ADMINISTRATION, STANFORD UNIVERSITY

Dr. Kirst. Thank you very much.

As you know, the statement I have is a condensation of a longer paper* that I prepared for the Select Committee in talking about the Federal aid delivery system. I tried to pull together in this paper the various administrative-political channels, people, and agencies that Federal categorical aid has to pass through before it reaches the child in the classroom. I find that this stream of money that goes down and the numerous agencies that have their hands on it before it reaches the classroom are really a great problem in effective delivery of educational services to children.

Senator Mondale. Is the work that you have done in this fairly unique? Has this material been gathered together before?

Dr. Kirst. No; there has never been any statement which tries to deal with all the pieces and looks at the whole Federal system; taking the money as it sort of leaves the legislative hopper where it is approved by Congress and then looking at all the various possible ways and roadblocks and agencies it must pass through before it hits the classrooms. Various people have tried to look at the State or Federal or local level, and I have tried to combine it all the way down in the Federal structure.

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*See Appendix, p. 8645.

Senator MONDALE. So what you are testifying to today is new information.

Dr. KIRST. It is pulling together, in a new way, information which existed in a number of fragmented areas before.

Senator MONDALE. Right.

DISTRIBUTION PROBLEMS OF FEDERAL AID

Dr. KIRST. In the 1960's the amount of Federal aid to education grew dramatically as demonstrated by USOE's appropriation increase from $700 million in 1964 to $4.45 billion in 1971. While this money is federally earmarked for certain categories of expenditure—vocational education, disadvantaged children, library books—there is a tremendous amount of State and local discretion in determining the amount, quality, and emphasis of specific local education programs. Indeed, the cutting edge of American education is at the classroom level—it is here pupils come in contact with teachers and the rest of the educational enterprise.

In essence, the Federal Government says to States and local districts, "Here is some money to solve this particular problem; you figure out how to do it." The Federal aid is directed at national concerns essential to the future strength of our society and not peculiar to a State or region.

For a variety of reasons, that go beyond the scope of this paper, we know very little about who has received the benefits of Federal categories and what child-based educational attainment resulted. The subcommittee has already heard from Berke and Kelly who pointed out this appalling lack of information about not only what has happened in terms of whether children have learned more or benefited from Federal aid, but which districts have even received it. We just do not know that much about it.

Moreover, most Federal education programs contain numerous objectives—improved health, assisting desegregation, and so forth—which are difficult to measure with such things as achievement tests. The partial results we have, indicate there has been no significant change in the educational attainment of disadvantaged youth since the expansion of Federal aid in the 1960's. I might add parenthetically that the Office of Education is required to file a report on Title I annually to the Congress pointing out—this is mandated by the Congress—what the impact of this money has been. The last report they filed was about a year and a half ago and was based on data collected in the school year 1967–68; so that the partial information I am talking about as far as impact is concerned, is from a series of fragmentary studies where people have gone through Federal projects under things like Title I and said "Has there been any change in achievement." As far as we can tell, there just has not been any change in achievement if you are looking at that as a criteria.

We hear disturbing reports that some—perhaps a great deal—of the Federal money never reached the intended beneficiaries. There are a number of reports, such as the NAACP legal defense fund on Title I, Indian education emergency school assistance program, and others, which document this.

In view of this, my objective is to analyze the strengths and weaknesses of our mechanisms and procedures for delivering Federal education services to disadvantaged youth and suggest some changes to close the gap between promise and performance. What I am trying to point out is the general factors that operate in the way we administer Federal aid and to get away from a "good guy-bad guy" where the administrators are bad guys and try to show in some of the cases the political and administrative constraints they are hedged into.

In brief, my thesis is that considerable Federal aid does not reach the disadvantaged—or is used ineffectively—because political constraints and inadequate sanctions and incentives operate as the money flows through three different bureaucracies—USOE, State education agency, and local education agencies. It is a long obstacle course between USOE in Washington and effective classroom implementation in, for example, Houston, Tex. Where you want to get the money eventually is in some kind of beneficial and effective interaction between teachers and children in classrooms. From this Senate building it is a very long and tortuous road to get effective implementation at that classroom level.

OBSTACLES IN FEDERAL AID DELIVERY

Essentially, Federal aid relies on a top-down delivery mechansim to insure the legislative objectives are accomplished. This top-down strategy (operating largely through administrators wielding Federal-State regulations and guidelines) does not have sufficient leverage to reorient classroom practice or insure the money always reaches the intended targets. A more effective system would be to reverse substantially the flow of sanctions and incentives so that students, parents, and teachers have the desire and means to accomplish Federal purposes. The administrative shortcomings sketched above are shared by all levels of our Federal system and in many ways are endemic to the political and management context of education agencies. Dr. Bailey will also make some comments on things that might be done to make the Federal aid system more effective. I will concentrate initially on the problems.

So what I want to do then is to trace the money as it leaves Washington and to show how it goes all the way down through the system.

First of all, let me talk about—to depart a little bit from the statement and talk about the White House itself, and the effectiveness of the White House in supervising the money and in the Office of Management and Budget. People who have studied this in detail have found that the White House is very busy in designing new legislation and in getting legislation passed but has very little resources for overseeing the implementation in the field of Federal education aid. Remember, Federal aid goes to about 18,000 or 19,000 school districts.

I will read a quote from Dr. Thomas Cronin of Brookings who has studied this. He is talking about the White House staff now, as distinct from the Office of Management and Budget. He concludes:

> To be sure, White House staff have been quite strategically important in policy formulation stages of federal policy. But their apparent "effectiveness" in this one sphere too often obscures an unimpressive record in policy direction or followthrough.

It is in this followthrough and implementation where we are dropping the ball. He continues:

> While White House staff may contribute to the distillation of a vast amount of incubating legislative proposals, congressional subcommittees along with departmental officials are often able to go about the work of steering and administering federal domestic programs with seeming immunity from White House influence.

So, if the President has a priority of aiding disadvantaged children, he has very little mechanism on his own staff to even find out what is going on with regard to Federal aid.

The same thing is true of the Office of Management and Budget, if we are relying on that to oversee the agencies; they have not had a field staff. The money, as I will point out later, often gets lost out in the field at the school district level or in the State agencies and the Office of Management and Budget has been basically tied down on overall money issues in Washington. They do not spend enough time out in the field looking at how the money is actually administered.

So, picking up the theme of inadequate sanctions, there certainly is not much sanction and oversight from the level of the White House and the Office of Management and Budget.

FEDERAL BUREAUCRACY

Let me now turn to the Federal bureaucracy and again trying to get at the details of the implementation process, where the money actually goes out; it is a long bureaucratic chain from White House priority setters to a GS-14 who is negotiating with the Dayton city government or Ohio State Department of Education

Federal civil servants are a conscientious group who, for the most part, will attempt to adjust to a change in White House priorities. It has been my experience, having been in the civil service and on a congressional subcommittee, that when the Federal legislation started the civil servants knew very little about the life style and problems of disadvantaged minorities. A lack of minority administrators demonstrated one aspect of this problem. The "Other America" was and still is neglected in professional education training as well as public policy.

Moreover, Federal civil servants are aware of rapidly shifting Executive priorities as top Federal policymakers change, elections approach, or congressional amendments respond to pleas from established recipients. Consequently, the Federal bureaucracy moves slowly and cautiously.

As priorities change, a Federal civil servant will be in a better position for promotion if he is not identified solely with an outmoded priority (particularly if it is an emphasis of a prior administration). Since the Federal incentives for favoring the disadvantaged are unclear, there is a reluctance to confront State/local colleagues who have built up "good working relationships" with Federal civil servants over the years.

There is such a great turnover in what the Government seems to be interested in, it has a stretch of 2 or 3 years and then it recedes into the background of importance and new bills and priorities come up—revenue sharing or other kinds of approaches—the bureaucrats know this and they have the attitude of "This, too, shall pass." If you are really going to enforce aid to the disadvantaged, which runs against the predominant State and local political currents, you have got to stick with it in sort of a continued priority way.

Moreover, the USOE has been subjected to frequent and sudden changes in top personnel and organizational structure. This leads to a lack of accountability—if an organizational unit or top staff person is continually changed, no one can be held accountable for failures or successes. Moreover, new people bring a new view of priorities—human nature seems to militate against reinforcing a predecessor's ideas. By this, I mean the continual turnover in the top positions in the U.S. Office of Education.

Until recently under Commissioner Marland, it was not unfamiliar for a GS-13 to have nothing but an acting person between him and the Secretary. The turnover in these top jobs is every 1 or 2 years. A new guy comes in and he wants to do his thing. He has his ideas about what he wants to do, and the bureaucracy turns over on a new priority. You get this constant turnover and turmoil. If there are administrative problems in a particular bureau, that guy goes on to a university or a private outfit and a new guy comes in and says, "I cannot be held responsible for Joe who was here last year."

Senator MONDALE. I think that is a real issue that is submerged in the BIA Indian education. We have received so many letters signed by "acting" this and "acting" that I once said in an Indian meeting I thought it was a new department of theater because there was just no one there. Then, when you finally fill the vacancy, the new person insists rightly that he should have some time to learn the job and go out and look at the field and move around. As you say, there is sort of a psychological feeling on their part that they should do something new; so they reject what has been going on and develop their own style, approach, and policies, and so you have this vague sort of headless operation that rolls along with no leadership.

LEADERSHIP IMPORTANT IN AID DISTRIBUTION

Dr. KIRST. I think this is important, the reaction of the State and local agencies to this. They hear that the new priority is for disadvantaged children, but then they see all this turmoil and turnover at the top and the change in policy. If you have got to pass the money down through the State departments and down through the local central office and down through the principals and down into the classroom, and they are watching this turnover, they are going to react with, "Well, do these guys really mean it or don't they? We have been through four different federal priorities in the last 8 years now and if I am going to stick my neck out politically to favor the disadvantaged, which is not strong politically at the local level, will these guys back me up?"

There may be a new USOE man there. This thing permeates not only the BIA or the USOE, but it permeates the State and local people; and their reaction to "What about this new Federal program?" is "Well, that is interesting but there will be another one 3 years from now. This, too, shall pass." So this sort of psychology is important if people are to take risks and fight the local political instinct which is probably not to channel the money to the particular areas which have not been favored in the past, politically.

Better known administrative shortcomings are caused by the widely acknowledged delay in Federal appropriations and the lack of coordination. On this latter point, rarely is an EPDA teacher training project and ESEA Title III supplementary service linked to an ESEA Title I disadvantaged project. No coordination or comprehensive planning structure has yet been developed for Federal education efforts.

In other words, when you look at the local effort, you see that the Federal funds from the Titles are not concentrated in the same schools or in a program that ties together in a coordinative sense. They are spread around piecemeal, with a project on this side of the city and a project over here, each one running with its categorical administrative lines, with its special interests.

Repeated experience with all of these problems results in local educators treating Federal aid as "soft money" that should not be integrated with the mainline or "regular" instructional program. In the local view, the Federal money may be withdrawn at the whim of Congress or HEW; either withdrawn or the guidelines changed to reflect something different. The uncertain and late appropriations also impede local planning and the inservice training of local school staff (or the early employment commitment to scarce specialists such as psychologists). So the idea is that "We have the hard money and we will run our regular program with that, and over here we keep the soft money. The soft money is the kind of money that if you are going to lose it, it will not affect your regular program."

What Federal aid is trying to do is get leverage on that regular instructional program, not run a sideshow through a project which may look good in the papers but is not affecting the mainline instructional program. So far, in my view, we have had very little success in that.

INSUFFICIENT MANPOWER

Finally, neither the White House, OMB, GAO, or the USOE have sufficient manpower or inclination to oversee the operation of Federal aid in the field. The USOE administers grants to 18,000 or 19,000 local educational agencies. It has never developed an effective regional structure. I do not know how you are going to tell what is going on in classrooms all over the country strictly from 400 Maryland Avenue in Washington. You can look into this by looking at the hearings before the Senate Appropriations Committees where the "big six" education lobbies have come in and urged cuts in the regional offices of USOE.

Senator MONDALE. Have the State and local educational lobbies resisted this on the grounds this might give some clout and strength to Federal guidelines?

Dr. KIRST. That is right. This is their prerogative. They view it as possibly an overextension of Federal control; and since programs are administered through the States, there is no reason to have a strong USOE regional office. It is really almost a comedy. Almost every 2 or 3 years in the USOE, somebody looks at this problem and says, "We have got to regionalize."

When Secretary Finch came in, he ordered the regionalization of USOE, and a number of men were dispatched to the field. Then various pressures built up against this, and those men are left out there with very little to do, and in about a year you see them brought back to Washington. Then, inevitably, the cycle repeats itself, with more people dispatched to the field and brought back. It is a scenario that seems to never end, but it ends up with USOE's regional capability being minimal.

If we are really worried not just about the guidelines in terms of dealing just with administrators, but looking at Federal aid and where it is going in the classroom, I do not think you can dispatch people on airplanes from Washington and really get at that. So you have got to rely, in short, on the good will of the State and local agencies, and that is where I think you lack the sanctions and incentives to make them carry out the Federal purposes.

Finally, a word on GAO. I was not able to gather any figures on this, but I would urge the subcommittee to, as to how many school districts a year GAO can get around to. It is very, very few in my experience, having worked with Federal aid programs.

Senator MONDALE. We will ask the GAO that question.

Dr. KIRST. It is a relative handful. As you know, the current flurry of Title I grants that the Commissioner is talking about getting the States to pay back, those incidents occurred in 1965–66. The one in California that I am familiar with, in Fresno, the incident there took place in 1965. Now, it is an awful long way, and with the changing of priorities, by the time the GAO gets out there, there is quite a timelag, and the horse is often out of the barn.

Senator MONDALE. The OE claim for rebates, are they based on GAO studies?

Dr. KIRST. Yes. The claims are based on audit exceptions by the GAO. Dr. Bailey will have some more specific comments about this and how to supplement this in his part of the testimony.

STATE ADMINISTRATION OF FEDERAL AID

Let me turn now to State administration of Federal aid. I have just completed a six-State intensive study of Federal aid, and one finds the performance of State officials varies greatly, and sweeping generalizations are impossible. Some of the States do an excellent job and rise far above the competence that will come out of the Federal Government. You just cannot say that it is all this way or all that way. There is a range of implementation in the States. So some States surpass the Federal requirements in terms of quality requirements; others only enforce the letter of Federal regulations, after they are threatened with audit exceptions. State education agencies, however, do not have enough support from Governors and legislators to adequately staff their needs.

Senator MONDALE. Similarly, you will find resistance from local education agencies to a strong State department.

Dr. KIRST. That is right.

Senator MONDALE. Might it not be that the little money we have spent through Title V to strengthen the State, may be one of the best expenditures we have had?

Dr. KIRST. I think that is true, and I think as an example of this, in Texas, 70 percent of the State education agency is financed from Federal money. Of that staff there, 70 percent is employed by Federal money, and a lot of it is Title V and the derivatives from other Federal aid.

As you say, part of what inhibits the States is the religion of localism in education politics—that is, that the locals are the senior partner in the administration of education—and a lot of States are just greatly constrained by this localism orientation.

Despite recent federally financed growth, State administrators claim they are chained to their desks with paperwork, and can rarely monitor categorical programs at the LEA level. State pay scales lag considerably behind Federal, making it difficult to attract quality staff.

When I was in Texas, a number of their best administrators, Senator, were leaving the State education agency to go back to teaching because the teachers' salaries were higher than the State employees' salaries which are under the State government scale. So it is really ironic that a Federal grants administrator of quite high quality was going back to be a history teacher because he could not afford to stay at the State level.

Senator MONDALE. The State Commissioner of Education in Minnesota left that job to take a superintendency because it paid $6,000 a year more.

Dr. KIRST. That is right. Yet, again, here we see in the Federal aid, the main administrative agency, as the Federal people view it, is the States. States are to enforce the Federal guidelines.

Another general problem is the norm of "administrative localism"—a norm which says the local communities should be the dominant partners in the American government mix of Federal, State, and local entities. This means the SEA's should not "interfere" unnecessarily in the policies and operations of local schools. Localism restricts the prerogatives, scope, and style of SEA operations.

I want to cite a recent study done by some of my colleagues at the Urban Institute which concluded: "SEA's have played a traditionally passive role in the direction of education. SEA personnel typically cajole, suggest, urge and perhaps even exhort—but almost never require the LEA's to make appropriate changes in educational practice." As I said, I think that is generally true. There are strong exceptions to that, and many of the States take a quite activist role, but the whole localism tradition that you referred to leads to this more passive role, and yet the Federal aid relies on the States to be more active.

NEED FOR URBAN-ORIENTED PERSONNEL

The predominant mode of Federal aid delivery is to channel funds through SEA's to LEA's. Despite USOE's dissatisfaction with the performance of several SEA, USOE has usually not been aggressive in managing its programs. One final comment on the State departments and their personnel. I have a quote of a study done in 1967 and I really do not know how true this is now. My impression is that the States have gotten a number of new people into these positions, but this indicates a general description of the type of people in the States at the time when the large Federal aid programs were going out under ESEA. "The most obvious generalization which can be made in summarizing our analysis"—this is from a study done by the University of Chicago—"is that the professional personnel in each of the States we studied comprise extremely homogeneous groups.

These State departments of education are largely composed of men who have lived their lives in the rural areas of the States they serve, rural or suburban, and who have gone to State teachers colleges and perhaps the State university, who have begun careers as professional educators generally in rural schools before entering the department, and who have been invited to join the State department by another member of the State department of education.

Again you see the salary factor here. The movement from the rural school in, for instance, Texas, to the State department is a step up in salary. The move from the urban school like Houston or Dallas is a cut in salary, so in part, I think this goes back to the salary structures; that if you are saying the Federal priority is for disadvantaged minorities in cities, it is tough to get State administrators with savvy in that problem into these State agencies.

Finally, some word on the USOE and its bargaining relationships with the State departments of education. The USOE has not been aggressive in many cases in not overseeing the States for several reasons:

1. Limited OE staff and a "service" orientation of the staff. The service orientation means that we are technical assistants to the States; we are not policemen.
2. Pressure to get the programs moving quickly and to establish good working relationships with the States. This has led to a tendency to overlook alleged misuses and accentuate the positive.
3. A fear if USOE pushed too hard, Congress would replace categorical programs with general aid, in which case USOE would have even less influence. I think that is part of the problem.
4. A tendency for Congressmen to abhor waste except when OE accuses officials in their districts of misusing funds. Then Congressmen find State-local prerogatives and local control of education convenient justifications. Congressional oversight has focused much more on disbursement of funds than program quality. In my view, Congress has been much more concerned with who gets the money rather than the classroom programs that have resulted. So the information Congress has gotten, as I indicated from the reports about Title I, has been not very informative so that they have not much information.

In effect, then, USOE has not been in a strong bargaining position with the States. If they must rely on the States to administer the programs and provide them information on the programs, the States are in a position to exact a price for their good will. As a result, you get a lot of USOE deference to State and local officials and this can be understood, in part, as rational behavior designed to achieve the greatest possible influence from a weak bargaining position.

LOCAL FEDERAL AID ADMINISTRATION

At this point I would like to turn now to the local education agencies. Remember, we have been trying to follow the flow of Title I grant as it left the Congress or White House and it went through the USOE, and now it is passing through the States and the money is going to pass through the local central office before it gets to the classroom or the teacher where the final recipient is.

On the average, Federal aid provides only 7 percent of the total local expenditure. Consequently, it is considered marginal by LEA's.

But the categorical nature of Federal aid provides the potential for more impact than unrestricted 7-percent general aid would. A concept which has been called by a researcher who worked with our study, David Porter, multipocketed budgeting, comes into play here. In following a Federal grant as it leaves Washington, through the States, down to the locals, when you get to the local level you find they have numerous sources of income. Some of the cities, like the Detroit schools, have over 100 sources of income, including bonds, property taxes, special taxes for handicapped children, several categories of State aid, and numerous Federal categories.

As the number of income sources increases, the ability of any single Federal source to trace the impact of his contribution decreases. Under multipocketed budgeting, local administrators plan their programs and then review all their income sources—including Federal grants—to find the needed resources. This procedure promotes local priorities at the expense of Federal ones. Districts plan how to shift their flexible resources to other uses as categorical grants become available.

Senator MONDALE. So the programs intended to supplement local efforts are easily frustrated?

Dr. KIRST. That is right, and that leads then to the need for comparability and the importance of enforcing that position. But even that, it is so much complex than simple comparability guidelines.

For instance, if a Federal categorical grant is restricted to an area in which the district administrators think they are doing an adequate job, they will work out a procedure where at least part of the funds are "symbolically allocated"—for example a Federal grant releases local funds which would have been used in the federally aided program. Anybody who has looked at the Byzantine world of school accounting and school budgeting, just finding money in that maze is enormous. They do not program budget. They keep the budgets on 10 or 11 categories, about 75 percent of which is a lump thing called instructional uses. You just cannot find the money when it finally gets down there, in many cases. That is why the GAO, even if they had a lot of people, it would take them a long time when they get in there to find out what is going on.

Federal money is so marginal and so uncertain that there are not usually sufficient incentives or sanctions to substitute Federal priorities for local priorities. Moreover, an enthusiastic superintendent or school board with regard to a Federal category does not insure an enthusiastic middle management or teacher response. Superintendents frequently find they cannot implement their own priorities through the bureaucratic chain of career civil servants much less Federal purposes. Teachers may be willing, but Federal funds are rarely accompanied by the leadtime, planning, and inservice training to change teaching behavior. The normal procedure is little or no planning and a 1- or 2-week superficial teacher orientation.

FINAL RECIPIENT IN CLASSROOM

This is a point I want to stress which I think is frequently overlooked. If the final recipient is the classroom—the cutting edge of American education is there—then very little Federal aid has been spent on effective inservice programs. The National Advisory Council on Education of Disadvantaged Children, reviewed a sample of local programs in the largest Title I districts. The typical thing is a 1- or 2-week workshop where the teachers are lectured at by a few experts and then given some general techniques, but the Federal aid is never really accompanied by much which would change teachers' behavior or their effectiveness in teaching. So it is at the very bottom level where you have got to make a difference, and a quote from this survey was:

> But most training programs were regarded by the consultant-observers as being too short and too limited in content to be highly effective. Most were held during the regular school year, and took place during a couple of hours after school each day, lasting less than 10 days. The most frequent emphasis in training was on techniques for teaching remedial classes.

In the end, that will lead to some recommendations in changing Federal aid.

In short, we have no evidence that Federal aid has caused much change in teacher classroom behavior, nor has it been designed well to accomplish this purpose. Moreover, Federal projects are usually designed in central offices with little teacher involvement in the initial stages.

Most large school districts have a Federal projects office. When I was a Federal administrator we dealt basically with those administrators in the "Federal projects office." In smaller districts this is less true. But, in other words, these are essentially local people that Federal employees deal with.

Even less influential in Federal project design than teachers are parents, citizens and students. A 1968 assessment of a nationwide sample of Title I ESEA projects concluded:

> One area of almost no apparent progress is the one in which some progress might have produced the most dramatic results of all: parent involvement in the child's learning. . . . Of the 116 programs observed by the Council's consultants, only two gave evidence of any attempt to involve parents as reinforcing agents in their children's learning, not only to read, but also to enjoy reading.

It is possible, but not probable, that the new federally mandated Title I parent advisory councils have changed this situation. USOE is attempting to use Federal regulations to generate a citizen involvement process that runs counter to the professional educator's reflex. The point I want to make is this Title I regulations are running against the normal political and administrative reflex and if it is not enforced and implemented with a consistent enthusiasm I think it just will not work.

Senator MONDALE. Do you sense any change with these new mandated requirements for parental involvement?

Dr. KIRST. I sense they are setting up a lot of advisory councils of parents. I do not know the impact. Do you know, Steve?

Dr. BAILEY. I do not think it has been going long enough to make a difference.

Senator MONDALE. So we just do not know?

Dr. BAILEY. I have seen no record on this at all, Senator.

Dr. KIRST. I would like to know. One of the things I make a plea for in the longer paper is we really ought to get out there and find out whether they are having an impact. What I am saying, if I were a betting man, I would bet against it, because the normal reaction would be to make parent advisory councils into a pro forma thing; and with the oversight process that we have and the implementation process that we have, as I indicated earlier, I am not confident. I hope it turns out well. We just do not have the evaluations on this, like a lot of other things. We just do not know. I just do not have very good impressions of this, either.

Senator MONDALE. When did we mandate that, 1970?

Dr. KIRST. Yes.

STUDENT INVOLVEMENT IN POLICIES

Finally, student impact on policy has grown in numerous directions but has rarely focused on Federal programs. Consequently, their awareness or involvement has not been a factor in allocation of Federal aid. We have been reading a lot about student organizations and student pressure. I think it could be effective in enforcing the Federal aid and in accomplishing some of the objectives there.

At this point, of course, those student organizations are too embryonic and tied down in other things other than Federal aid, but I think it is a potential that we should not reject.

In summary, the top-down strategy of regulations and guidelines contains neither the sanctions or incentives to accomplish the legislative framer's categorical purposes. The constraints and obstacles at all three levels results in too much inertia to move from status quo treatment of the disadvantaged. Moreover, the marginal nature of Federal aid, 7 percent, is not sufficient leverage to reorder State and local priorities and orientation. The ultimate sanctions of USOE and the SEA's are the blunt tool of freezing or recovery of funds that inevitably meets stiff political resistance.

In this regard, we have seen almost no recovery of funds by USOE. I think Commissioner Marland's current efforts in that are important and deserve the support of this subcommittee. It would put people on notice that if you do misuse the Federal funds you are going to have to pay them back. In the past, though, it is very rare for any of this money to be recovered and, as you know, the drama is yet to be played out on whether Commissioner Marland will be successful in his current efforts to recover some of the Title I money.

In brief, the Federal categorical aid to the disadvantaged has been hampered by:

1. Inadequate planning or leadtime;
2. Multiple objectives that lead to no coherent focus on the disadvantaged or other targets;
3. Uncoordinated, piecemeal categorical titles that are spread all over the LEA's and not linked together;
4. Limited Federal and State manpower for monitoring and auditing and evaluation;
5. Rapidly shifting priorities and key administrative personnel at the Federal level;
6. Multipocketed budgeting which obscures LEA accountability and encourages symbolic allocation;
7. Inadequate preparation and inservice training for teachers who are the ones in contact with children;
8. Lack of research and evaluation based on "what works" with the disadvantaged child;
9. An uncertain, fluctuating national commitment to the disadvantaged; and

10. Congressional preference for disbursing money quickly over enforcing program standards.

On the incentives thing I would like to read a brief quote from a paper by James Coleman. He points out that the current incentives in school districts are what he calls equilibriating and self-maintaining character of bureaucratic organizations—what may be called the conservative tendency of some systems—but a primary interest of the occupancy of roles in a bureaucracy is self-maintenance. This interest is manifested in striving for structural stability, administrators giving incentives to subordinates not to disturb the function of the organization.

The rhetoric of Federal aid at least is geared toward change in local schools, change toward disadvantaged children, and you have got to have stronger incentives, in my view, than we now have in order to bring about that change in a large-scale organization. To be sure, there are many, many cases where Federal aid has made a difference, where it has been effective, but we also have good documentation on the slippage of the Federal aid for the reasons I have pointed out above.

This concludes my part on the problems. I am ready now to move to some suggestions if that is amenable to you.

Senator **Mondale**. Proceed.

Dr. **Kirst**. I am like most professors, a lot stronger on analysis of the problems than I am on specific solutions.

Senator **Mondale**. We are much better at solutions than understanding the problem.

Tougher Guidelines or New Regulations

Dr. **Kirst**. As I completed this paper and put all this together, getting Federal aid on the target is like playing a very difficult 18-hole golf course where you have a par two on every hole. It is a very long obstacle thing and my suggestions are some of the things I have pointed out are apparent in what can be done, and in others I have talked about trying to change the top-down strategy.

By this, I mean people in Washington rely heavily on rewriting the guidelines and the regulations. Congressmen themselves—the suggestions that are brought to you is "We need tougher Title I guidelines or new regulations for Title III," It is my view that this may make you feel good when you see the regulation in print, but the enforcement of that is basically the problem. We need to somehow change not only enforcement, but the positive incentives.

One suggestion I have—and Professor Bailey has others—is that I wonder if we can design Federal categorical programs so that the growing influence of teacher organizations and teachers unions is directed toward some of the same goals as Federal categorical legislation. In essence, the best a considerable amount of Federal aid can do is to give teachers the environment to change.

The standard reflex of school reformers is to deplore the gowing militancy of teacher organizations, not to explore ways to work with them. In effect, teachers might put pressure on administrators to better enable teachers to fulfill their own objectives and concurrently those of Federal programs. If there is goal congruence among teachers and Federal purposes, then teacher peer group incentives might be more effective than Federal-State regulations. In other words, I would want to talk to teacher organizations and say "What is on your agenda and what is on ours, and how do we overlap in interest?" If so, I think where you really get power is if you get these changes in the contract. So if I were running a teacher training project now at the U.S. Office of Education, I would think I would have real impact if I could get some of the things I wanted in negotiated contracts.

In other words, you are changing the pressure then from the bottom, instead of trying to wield the guidelines and regulations against this long difficult funding stream down from the District of Columbia. I think teacher organizations have moved considerably away from their overconcentration on bread and butter, salary and fringe benefit issues—granted, you do not build a teacher union on the kind of things we are probably talking about on Federal aid. It is not their most priority interest, but a lot of collective bargaining contracts are 500 to 1,000 pages long. I am saying where can Federal interest be somewhere in that contract, and if you have got them nailed down in the contract you have got something.

Senator **Mondale**. Can you give me some examples of how the Federal programs might be geared to encourage union and NEA assistance in implementation at the local level?

Dr. **Bailey**. Senator, I have a modest suggestion in my own testimony on this. Perhaps you might want to wait——

Senator **Mondale**. Well, we will wait until we get to that.

Dr. **Kirst**. Why don't we proceed with that? Do you want to take that up now? Why don't we do that part now, since we are into it?

TEACHERS' CENTERS IDEA PROMOTED

Dr. **Bailey**. I am sure this committee is aware that the U.S. Office of Education is considering at the moment something called teachers' centers. Don Davies has been promoting the idea and I think Commissioner Marland has indicated some interest in it.

The idea of having physical locations and programs devoted on a continuing basis to inservice teacher training is fairly recent in this country. Its most dramatic development has taken place in Great Britain during the past 3 or 4 years.

In essence, teachers' centers are what the term implies: They are local physical facilities and self-improvement programs organized and run by the teachers themselves for purposes of upgrading educational performance. Their primary function is to make possible a review of existing curricula and other educational practices by groups of teachers, and to encourage attempts by them to bring about change.

I am not clear whether the USOE discussion at the moment involves putting the monkey of reform on the teachers' own back, nor am I aware that the initial thrust is toward the disadvantaged. But I think teachers' centers appropriately funded and staffed could make a significant difference in American education.

To work, I think teachers must be allowed time during the regular working week to attend self-improvement sessions at such centers. That is why I recommend experimenting with a 4-day week in the classroom for teachers in schools which are troubled. The fifth day would be spent in teachers' center facilities.

While teachers were in their centers, pupils could indulge in peer learning, independent study, remedial work, and occupational and cultural experiences in the larger community monitored by paraprofessionals and/or volunteers. For example, successful businessmen, professional people, and trade unionists could visit the schools while teachers were in their teachers' centers, or pupils could visit places of work and leisure out in the community, to provide essential opportunities to young people to approximate some of the career-oriented goals that are presently so sadly neglected in so many of our poverty-culture schools.

Senator MONDALE. You say there are experimental teachers' centers in England?

Dr. BAILEY. Indeed. About 500 have sprung up in the last 3 years in Great Britain—and with quite extraordinary effect.

TEACHERS RUN CENTERS—NOT BUREAUCRACY

Senator MONDALE. This is basically teacher training where the teachers themselves get together and discuss problems, maybe decide on outside experts, develop new curriculums and so on? It is run by the teachers in the classrooms rather than the bureaucracy?

Dr. BAILEY. That is right. This seems to me the fundamental issue, going back to Mike's earlier statement. Here is an idea to build into teacher contracts: requests from local authorities, or State, or Federal authorities for money to help teachers develop their own teachers' centers, run by themselves on their own terms and turf. This might be a way of implementing precisely what Mike is talking about.

Senator MONDALE. And it would give the teacher a new sense of power over these questions. I think they must feel awfully impotent with all the teaching materials that come down from somewhere and all the conferences where they hear from experts who have never been in a classroom and from Congressmen and Senators who have good ideas for them. In the meanwhile, they are in the classroom, and it might make a big difference psychologically. They might feel better about teaching. I think the incentive to move out of the classroom into the administration is most unfortunate.

Dr. BAILEY. I just want to underline your position that teachers are getting sick and tired of being "done good to at." The notion that somehow the monkey of reform could be placed on their own backs and that they could get out from under the deferences which traditionally have marked their relationships with administrators, with college professors, with all kinds of others—it would be a very useful development.

Dr. KIRST. In another area, there is a possibility which Dr. Bailey will speak to also, which is the idea that if local administrators are not interested, teacher organizations may be interested in supporting alternatives within public schools. Although Mr. Shankers says many things in many places, I read one interesting quote of his which if he could drive it through a contract, I think might be useful. He says:

> As long as we do not have particular evidence that one particular way of doing something is better than another . . . there ought to be various alternatives within the school system. Parents who prefer a more rigid type of school system ought to be able to find it in the public schools; and parents who prefer a more progressive type ought to have it there.

As parents choose one type of school philosophy or curriculum over another, they will be establishing a new incentive structure for personnel in those buildings that find their clientele leaving.

AVERAGE AMERICAN NEEDS EDUCATIONAL CHOICES

Senator MONDALE. We have all kinds of private schools—some are military types, and some are open classroom, some offer a lockstep academic college preparatory program, and others are for the not-so-bright children, and so on. The wealthy have this whole range of options of which they can take advantage, often sending different children to different schools fitting what they think that child needs.

But for the average worker and the average American, we only serve in one dish. He either eats it or starves, and he may have a military-type classroom or a lockstep classroom when his child desperately needs an open classroom or whatever it is. But, in any event, the average American would feel a lot better if he had a range of choices that he could select from.

If the teacher organizations could help shape up a system to offer that range, it would be very helpful, I would think.

Dr. KIRST. The reflex would be, if somebody likes this idea, they would pick it up, and we would have categorical selection of curriculum in the schools. What I am saying is that if the teacher organizations really want this, I think they would be more effective than the Federal seed money in some cases. Maybe the Federal seed money could help them. You know how hard the teacher organizations pushed for the more effective schools in New York, and that was a contract issue. I am saying if we think this alternative is a good idea and if some of the teacher organizations do, too, I would be interested in seeing whether they could assist.

Senator MONDALE. We have tried very hard here at the national level to enlist the support of teachers in, for example, school desegregation, and I think there is no question in my mind that the role of the NEA and AFT was very, very helpful in passing an excellent, creative, and innovative school desegregation act out of the Senate. There were many other factors, but they were powerful allies through all of this, which indicates, in my opinion, that they were not fighting pro forma on that; they were very much trying to do something.

Dr. KIRST. The next suggestion I had we have talked about, which is the need for assessing these parent councils under Title I. If there are parent councils that are particularly effective, these can serve as models. They might lead to changes in Federal guidelines or ways of spreading the word to other parents.

My observations indicate the most effective parent interest has been stimulated by school integration requirements. In the areas I have been in, I have never seen such parental interest, not around Title I or the 7 percent categorical aid which is marginal, but when you integrate the schools you really get an enormous amount of parental interest. If part of our goal is to reverse the incentive and sanction flow so the parents are more interested and more informed, then school integration seems to be a lever toward interesting them not only in integration of the movement of bodies per se, but in the whole curriculum and the teachers and the whole area of education in the receiving schools. So I think that that is an important derivative of the integration effort.

Federal Aid Must Play Increasing Role

But both parent and teacher groups cannot become keenly interested in Federal aid unless it becomes a larger part of total school expenditures and resumes its 1965–66 growth pattern. In the interim we could strengthen Federal sanctions and incentives through:

1. We need financial encouragement by USOE of alternatives within public school systems. Authority for USOE to fund alternative schools that are not defined as local public education agencies under existing statutes. The growing alternative school movement could compete on a project basis with public schools. And I would like to see an attempt to fund some of these alternative schools as a way of getting a lever for change and incentives in the public education agency. In this way we would have the concept of competition operating.
2. We need a quicker administrative process for recovery of misspent funds; an enlarged GAO-HEW audit staff to review 16,000 LEA's who implement Federal projects. USOE publicity on amounts recovered would put others on notice. I had people in one large Southern State tell me that they never sent out the basic Title I memorandum until they saw what happened in Mississippi and saw that the USOE was really serious and they might recover some funds. So not only recovering, but spreading the word that you might have to give the money back, would have a very salutary effect.
3. We need the ability to bypass State governments, if they display a consistently high level of audit exceptions—that is, work through and reward good States and bypass poor ones. In other words, a deferential response to State governments. Now we treat them administratively all the same, whether they are doing a good or poor job.

Senator Mondale. Is there a cutoff provision in Title V?

Dr. Kirst. Not that I know of, not anything which can be enforced. I was sent by the subcommittee a letter regarding Title I in Louisiana, and you just wonder if you can ever enforce through the typical guideline-regulation route any real change there. Maybe you could have a temporary bypass of some States and then after several years letting them have another try at it. But as of now, for instance, Michigan is doing an excellent job with Title I. The Michigan State Department of Education is surpassing any of the Federal quality standards, but we treat them just like Louisiana in terms of prerogatives and financial rewards.

4. We need larger funds for States and local agencies that are doing an outstanding job; this calls for explicit development of performance standards.
5. We need increased regional oversight and review capability of USOE and OMB staff to feed back what is actually happening at the classroom level.
6. We need a continuation of Federal-State pressure for school integration. It has elicited tremendous parental interest in almost all aspects of public school policy.

That concludes my testimony.

Senator MONDALE. I think what we will do is take a short break for a couple of minutes and then we will go to Dr. Bailey. Then when you have concluded your statement, we will ask the two of you what we might do.

[Recess.]

Senator MONDALE. Dr. Bailey, You may proceed.

STATEMENT OF DR. STEPHEN K. BAILEY, CHAIRMAN, POLICY INSTITUTE, SYRACUSE UNIVERSITY RESEARCH CORPORATION; AND REGENT OF THE STATE OF NEW YORK

Dr. BAILEY. There is little I can add to Professor Kirst's comprehensive statement. I think it is unprecedented in its clarity in describing the range of obstacles that have gotten in the way of Federal educational aid to disadvantaged children making very much difference. It is a lugubrious story. I think it raises basic issues about the meaning of words like "accountability" and "responsibility" in a complex Federal structure. It reinforces cynical attitudes about the callousness of our political institutions toward the poor and the discriminated against. It gives premature and possibly specious credence to those who claim that mental capacity is genetically determined and largely immutable. The fact that the story is complex means that there are no obvious villains; but this only heightens the plausibility of those who claim that the basic "system" is somehow at fault.

The fact that your Select Committee exists is one of the few redeeming realities. You are attempting responsibly to find the facts and to develop alternative legislative and administrative arrangements to cope with the sluggish disappointments of recent Federal educational investments. It is a privilege to be asked to help, even in a modest way, in this important task.

It seems to me that the key sentence in Professor Kirst's presentation is the one that reads:

> . . . the top-down strategy of regulations and guidelines neither the sanctions nor incentives sufficient to accomplish the legislative framer's categorical purposes.

FOUR SPHERES OF DEVELOPMENT

Professor Kirst outlines some useful possibilities for imposing more effective sanctions and for developing more effective incentives. I second most of his motions. But I should also like to dwell for a moment upon four particular spheres of development that might have significant payoffs. One has to do with modes of accountability; a second, with the improvement of instruction; a third, with what I believe to be the false dichotomy between decentralization and regionalism in school governance; and the fourth, with improving independent study opportunities for high school level young people.

On the first, I start from the assumption that America will continue for decades to come to have an educational system that is highly dispersed. The notion of a vast Federal inspectorate charged with insuring local accountability for the spending of Federal funds is an anathema to most schoolmen. It is theoretically possible to envisage thousands of GAO or U.S. Office of Education inspectors rummaging though school-district and school-building files to discover whether congressional intent and USOE guidelines have been followed, or whether standardized tests really prove local claims of improvement in educational performance. I doubt that Congress would appropriate an S. & E. budget large enough to permit this kind of USOE or GAO surveillance. I doubt that it should. Nor do I believe that inspectors sent out by State education agencies or State auditing agencies would be any more acceptable, even if federally funded for specific purposes like reviewing Federal expenditures.

I should like to suggest an alternative—an alternative that stems from my memories of a former incarnation when I was mayor of a city in Connecticut some years ago. State law required that my city's books be audited by a private CPA firm each year. I was impressed by the auditor's reports, for they often went beyond bookkeeping to useful questions and suggestions having to do with depreciation schedules, administrative practices, borrowing policies, and other broad issues of civic concern.

FEDERAL GOVERNMENT SHOULD SPONSOR COURSES

I should like to propose that the Federal Government sponsor through universities or educational laboratories a series of rigorous inservice training courses in "educational evaluation and program auditing"—available to a variety of professional types across the country who might be interested in extending their existing competencies to include sophistication in this important and growing area. These training courses, when acceptable prototypes have been developed, might be taken by CPA's, by lawyers, by nonprofit research analysts, by college professors, by active or retired teachers or educational administrators. The content of the training program would include Federal and State educational laws and regulations, including guidelines, a working knowledge of educational statistics and accounting, a sophisticated understanding of the uses and abuses of performance measures in education, and a healthy introduction to human relations as an essential part of evaluation skills. Upon completion of such a course, tied ultimately perhaps to subsequent apprenticeships with those who had successfully gone before, the professional would receive a diploma as a certified educational evaluator, and could hang out a shingle to that effect.

Local panels of school board members, superintendents, principals, teachers, and parents might select from among those in an area—or beyond—so certified. Federal and State law could then simply require that federally supported and/or State-supported programs receive, according to official guidelines, an independent audit once a year from a certified educational evaluator. These evaluators would not be arms of Federal and State bureaucracies; they would have an independent professional status. The market would sort out those who, though certified, turned out after experience to be incompetent.

I think it makes quite a substantial difference in the eyes of local officials or State officials as to whether the investigating presence is a bureaucratic arm of a central agency or has an independent status and is brought in, as a CPA is now, simply on an audit basis. I think it could make a substantial difference to the schools because I think the political logic of that kind of development would be that the publicized analysis of school performance could then be picked up both by Federal and State agencies and also by those who are contending for board of education seats in the next election; or, if it is a partisan political matter, by a candidate for council or mayor, and certainly the press. You would get out into the open every year a series of judgments about how the school is performing in terms of its responsibility under the guidelines established at higher levels. So I would simply toss this out as one possible mechanism for increasing the accountability structure.

We have already discussed the teachers' center notion and we can go back to that in the question period, Mr. Chairman.

I would like to move on to the third point which was touched on briefly by Professor Kirst, but I would like to put it in a slightly different context; that is, to emphasize the need to transcend what I believe to be the false dichotomy between decentralization and regionalism in education.

TEACHERS NEED SOCIOECONOMIC TRAINING

Senator **MONDALE**. Let's go back to that teachers' center just a second. This could begin back with the teacher education courses. Am I correct that teachers' courses tend to deal with the subject matter they are going to teach, with the techniques of teaching and with some practice teaching?

Dr. **BAILEY**. That is right.

Senator **MONDALE**. That is basically what a teacher gets. Very little, if any, time is spent during the course of the education of a new teacher in the socioeconomic dimensions of the profession which they are about to join, so that they gain a healthy understanding and curiosity and concern about what the system is doing. There is no reason why a teacher should not be fundamentally concerned about educational finance, about open classrooms, whether these children should have desegregation or not, and, if so, on what terms. Why should teachers not come equipped with some basic training in the socioeconomic implications of what they are involved in?

Strangely, we try to close the teacher off from any meaningful involvement in the basic policy questions which affect his work. That is one of the reasons they are trying to close down VISTA really, because if you send out bright children to help migrants and Indians, they start asking why there is such unfairness in American life, and then get involved in the social reform movement.

I think we ought to be encouraging that rather than discouraging it, but in the same way, if we could equip teachers to have a healthy interest in the system, how it is operating, I wonder if we would not engage their interest a lot better in teacher training and teacher reform and in their professional organizations than we do today.

Dr. **BAILEY**. Senator, I think you are absolutely right, and I think that this is one of the points that Professor Kirst was trying to make in suggesting that Federal perspectives on education might somehow be reinforced by the growing militancy of the teachers' unions and the NEA movement.

I think as teacher organizations become more concerned with these larger political questions of support they are bound to move into the field of public policy generally.

TEACHER EDUCATION PROGRAM

Dr. KIRST. Let me make a comment on that from a specific standpoint of a teacher training program at my own institution, Stanford. I think we have a faculty that considers those social and political issues. I have never instructed in my class a preservice teacher. We have a teacher education program and they come in in the summer when most of us are not on duty.

They are given an intensive 10- or 12-week summer program by a special teacher education faculty dealing only with subject matter specialties and methodology. Then they are interned in the schools during the regular academic term from 9 until 4. We offer most of our classes in the areas you talk about, or outside experiences during those hours, 9 to 4. Then they come back to Stanford and receive more classes from about 4 to 6 in the evening, again from a faculty in curriculum and instruction on subject matter and methodology.

This is a fairly typical design at Stanford, following the general MAT design. I just underline what you say, that I have never been able to work with teachers at my own institution. We work with the scholars, with people who profess in educational administration, and we work with some administrators, but that is just how it works. I am fairly sure that the situation at Berkeley is the same.

Senator MONDALE. I wonder if we didn't discourage many of the more gifted people that don't want to be drones in that early process, they would like to be a part of a much broader social reform. I think that is one of the reasons we see this tremendous influx into the law profession. Students sense that is the way to change things; they don't see yet that teaching is the way to change things as much as they should because they are not encouraged to believe that they are going to have a role.

They are not given the kinds of educational courses that open up their curiosity. Yet from what I have been able to find out from this committee's hearings, you know a highly qualified teacher does make a difference in the class.

Dr. BAILEY. I would like to add something: if you had teachers' centers that were truly teacher oriented in terms of program, teachers themselves would feel the kind of need you are talking about, and would draw people in from the outside—experts who could be helpful to them.

Senator MONDALE. Yes.

Dr. BAILEY. The third point I was making was on what I sensed to be a false division between local control and regionalism. Most school districts contain a number of schools. But in many cases the solution to a youngster's problem may not be available within the particular school building he attends. "Local control" or "community participation" means little or nothing unless there are reasonable and realistic educational options available to parents and children within the school system viewed in the large.

EDUCATIONAL OPTIONS NEEDED

Subway or bus mobility together with the computer should permit a variety of regional options available to local parents and pupils. There is no reason why voucher plans and performance contracts should have to be the only alternatives open to aggrieved parents or turned-off youngsters.

School systems should be large enough, and diverse enough in terms of competing educational styles within their several units, to permit parental and pupil choice of school or instructional location, curriculum, and pedagogical techniques.

Cities and even larger regions should be scoured to find educative facilities and personnel of all kinds that might meet the interests and pace of children who find themselves presently locked into what may be for many of them a patently inutile educational framework.

This means, among other things, that more experimentation of the Berkeley variety should be fostered; for example, the designation of different school buildings within a district or region to feature alternative educational approaches, with considerable parental choice as to which style meets the temperament and talents of an individual child.

Decentralization by itself is no solution to anything. Decentralization of certain decisions combined with the regionalization of real options may unlock all kinds of possibilities for significant educational reform.

Finally, let me say a word about a related concept—an external diploma program. In recent months, the idea of an external degree at the collegiate level has caught on in this country like wildfire, although that idea has been developed for some time in Western and Eastern Europe, and in the Southern Hemisphere.

The instrumentation will be far more difficult and attenuated than many enthusiasts think. But the idea is important and the movement is bound to be liberating if it does not founder on the rocks of shallowness. Essential to the notion of the external degree is flexibility as to where and when one learns, and with whose help.

Surely this notion has promise at the high school level as well—particularly for dropouts, for the talented but bored, for those already in the labor market. Explorations as to how the external degree concept can be adapted through and beyond existing high school equivalency examinations to the needs of young people at the secondary level in and out of school might point to some significant breakthroughs in motivation and performance.

These four ideas are not panaceas. They are proffered with very considerable humility but they could, I believe, be responsible directions for federally funded R. & D. and directed experimentation related to the maddening issues before this committee.

That is the end of my statement.

Senator Mondale. Thank you very much.

Political Realities and Federal Aid

As I listen to Dr. Kirst I get the impression that all, many, of these problems that you refer to and define so well, are not just happenstance but based upon real political forces in American life; resistance by the local educational agency, State agency, whatever, the way this happens partly is quite predictable based on political realities.

Do you really believe that there is a way we can change that here or should we look at an entirely different kind of financial flow or power flow that we haven't seen yet that might be more hopeful from a political strategy standpoint?

Dr. Kirst. First of all let me start off by saying I think the political flow in terms of educational service has not tended to favor as a priority disadvantaged children who are turned off by school.

You know one thing Title I has clearly done has sparked a new awareness of this problem and of this whole area. But with a shifting, having been around Washington in just my brief lifetime, I see so much turbulence in the priorities here that we can't seem to stick with anything that long and we keep repackaging and reprograming——

Senator Mondale. And that is not likely to change either, so I think we have to assume things that are likely to continue and ask whether there is some other way. For example, in our Indian education work I came increasingly to view that you are not going to be able to revolutionize the BIA. It hasn't happened in 130 years. What you had to do is localize Indian education so that the parents ran their own school systems just as the school systems are run for everyone else.

I don't know that that is right. But it has got to be better than what we are doing. There you have a system that is really national, really Federal, that is a dandy single school system. It is probably the worst in the country.

Dr. Bailey. If I could comment on this, one of the great dilemmas, it seems to me, is that if you want to cut down upon the administrative complexity that Mike has outlined, the general aid route makes sense. Under general aid, the Federal Government simply says to another jurisdiction, "We collected, you spend." There is no problem of administration breathing down their necks.

Unfortunately, in the real world, we know that the States and localities, if given that kind of general money for educational purposes, at least on the basis of past record, would not spend that money for the purposes that your committee is interested in.

Senator Mondale. Yes.

Dr. Bailey. And so in order to get any attention paid, really, to the plight of the so-called disadvantaged, it seems to me you have to go the Federal categorical route. But when you go that route, you run into precisely the kinds of administrative complexities that Professor Kirst has pointed out.

The underlying problem is that the natural tendency of any society is to have its politics gravitate toward its economic power, and it takes almost heroic efforts to try to get any kind of meaningful human equity built into the system.

Senator Mondale. I think we can end the hearing on that.

Impact of NDEA

In the post-Sputnik era, the first kind of Federal effort was to encourage a big upbeat movement in sciences and math, engineering and the rest, that there was a very quick and somewhat impressive response at the local level following the new program of Federal funding through NDEA.

Am I correct on that?

Dr. Kirst. The money was basically for equipment grants at the elementary-secondary level. There were numerous pieces of that in higher education. The money was basically for adding guidance counselors and for State and local grants for equipment, language laboratories, books, science laboratories. There was an immediate response to that, yes.

And the Sputnik also set off in the National Science Foundation a number of important reform groups, the new physics, the new math, and indeed we see quite a bit of new physics and new math around in the schools.

Senator MONDALE Yes.

Dr. BAILEY. In some of the schools.

Senator MONDALE. There was a fairly impressive response, though.

ADVANTAGED STUDENTS BENEFITED

Dr. BAILEY. But it was response where the lumpiness of advantage in our society was very manifest. What happened was that a bright physics teacher in a suburban high school who read the New York Times knew about these Sputnik and post-Sputnik programs and had the capacity and the ability to fill out the forms. Consequently the real impact of NDEA-type money was to make the rich richer.

Senator MONDALE. Yes. Which is to say that it depends on who you are trying to help. What is new about Title I is we tried to help the poor and powerless. And that is not essentially the power structure at all.

Dr. KIRST. NDEA was in the case of materials and curriculum providing already good teachers working with highly motivated pupils with better tools and didn't really try and—it wasn't attempting to bring about the large changes that Title I was——

Senator MONDALE. In other words, if you fashion a program for groups that are politically powerful—you can predict that it may very well work.

Dr. BAILEY. Indeed.

Senator MONDALE. So you have to ask the question, are they politically powerful enough—if not, the chances are that you will have the kind of difficulties that you have described in your study. I am very impressed about impact aid—fully funded all the time. I think it has always been fully funded. It has no educational requirements tied into it, but it is always fully funded because it has a constituency that can't be resisted. Presidents have complained about it and it didn't make a bit of difference to anybody. Wham, 100 percent.

Somebody told me the other day that, excluding impact aid, from 1966, I believe, to 1971, Federal aid to elementary and secondary schools increased $900 million a year. Meanwhile, the local governments and State governments have increased aids to those same systems by $16 billion and so that the percentage of Federal assistance to public schools has dropped from something like 8 percent of local costs to 6 percent, somewhere in there.

But impact aid in the meantime continues to rise. My impression is—that vocational education is also rising. But is there anything in that experience that tells us that we have got to have a new set of incentives or a new strategy? When we passed the Comprehensive Child Development Act in the Senate, we surprised everybody. We changed the thrust from the children of welfare mothers solely to the children of working mothers, including welfare mothers, and we got a whole new coalition behind it as a result. I don't know. Is there something wrong—should Title I be redesigned so it has a different target?

You know, there are a lot of congressional districts in this country with hard-pressed families working—auto workers, whatever it is—they are not rich at all, and they are not getting any good out of Title I, but their taxes are rising, inflation is cutting them apart, and they don't really feel identified with Title I at all.

I wonder if we proceeded on a theory that you should help the poorest first and then work down the scale if we would end up not helping anybody.

STRONG COALITION OF SUPPORT NEEDED

Dr. **BAILEY**. I saw in the New York Times this morning, as I am sure you did, Mr. Chairman, Senator Muskie's comment about the bankruptcy of certain kinds of liberal propositions and his suggestion that it is only when you begin to put together the discomfiture of the poor with the discomfiture of the next of poor, essentially, and spread the liberal coalition concept out to include working mothers and working fathers along with America's middle-class generally, that you are going to build the coalition of support that really is going to make the difference for those who are presently disadvantaged. We have got to cast the net of political support more broadly than it is now being cast if we are going to have continuing support for ameliorative social programs.

Senator **MONDALE**. In other words, what we are agreeing to here is that it is not so much a technical matter as a political matter, that the technical difficulty to which you refer really masks the political structure and the response to a given program.

Would that be ample?

Dr. **KIRST**. Yes. And what I was saying was that we don't have the sanctions and incentives and the technical problems are completely overwhelmed by these basic fundamental political problems that is really at the bottom of it.

Senator **MONDALE**. So one question might be this: How can we improve the power of the poor? And then you get into questions like the Voting Rights Act and the enforcement of that bill and maybe participation of the young, who I think feel much more deeply about the problems of the poor than the adult generation does.

You get into the question of strengthening parental involvement. And one thing you didn't mention, and I feel very strongly about, something that educators have over-looked too long and shouldn't: somehow we ought to get the attorneys involved in bringing law suits for violations of the law into the courts.

The *Serrano* case may create a revolution in American education by delivering equal power for revenues to the poor districts. That is bound to help, it seems to me. That was a law suit, it wasn't a law.

There was a great resistance but the School Desegregation Act, passed by the Senate says that the school districts can be made liable for attorneys' fees and costs where the court determines that the Constitution would not otherwise have been enforced.

How broadly they will use that, we don't know. But organizations like the Civil Liberties Unions may find some of their fees returned to them so that they can—in other words, the private legal remedy for Title I problems, for school desegregation problems, for a host of other discrimination and difficulties, and so on, I think is an enormous potential for change and reform on behalf of the poor which we have little used.

Dr. KIRST. I would agree with that. I really think you are correct. If you look at the Title I litigation suits and the Title I litigation packet that comes out of the Harvard Center for Law and Education, you see just enormous impact from that in these suits and the awareness now that it has given groups like the National Welfare Rights Organization which has been very effective in part, because of the kind of advice it has had by lawyers, so I think you are right, that that is an essential thing, that that would tie in with the general idea of having Federal lawyers doing the sueing or, you know, relying on councils up here to do it, to provide money and resources and a legislative authorization for lawyers in local communities and in private groups to do their organization and their own suits.

I think that is an important addition.

Dr. BAILEY. I would just like to add, however, that I think it would be unfortunate to pit the politics of reform against the mechanics of it. I don't think that the only problem is political.

IS ACCOUNTABILITY THE ANSWER?

In order to have effective change, the mechanics of accountability in the sense of legal mechanics, in the sense of financial mechanics, become very important aspects of political power. Unless you know what is wrong and can prove it, you can't make your case stand up in court. Unless you are responsible in developing and analyzing the kinds of information you need, you can't get very far in making a political case.

Senator MONDALE. The best way I know to find out what is wrong with the school system is the ordinary civil procedures rules of discovery because they permit access to all the records and it takes money to build a case.

But I think we can continue to expect school districts that are cheating to put out the kind of records you talked about earlier, financial statements that hide what is embarassing. The President does it with labor statistics why shouldn't the local school board? It might dent your system a little bit, but what you need is an adversary system with the power to go and find out what hurts.

Dr. KIRST. There are the issues that I have pointed out. For instance, the teachers having better techniques and just better ability, which all the lawsuits can do is maybe provide the money, the impetus for this. There are grave educational problems that are at the root of this problem——

Senator MONDALE. I agree with that. That is why we should try to get the teachers more broadly involved in the reform movement, because then you would have an enormous political force.

Dr. KIRST. That is really a new power base.

Senator MONDALE. That is a tremendous force.

Dr. KIRST. And we have ignored it completely in terms of——

Senator MONDALE. There is great hostility toward the teachers as being antireform, and I think on occasions they have been; and we have the potential of a collision between community control on the one hand and teacher power on the other.

Actually that is what the Ocean-Hill Brownsville situation was all about, wasn't it? How do you resolve that?

Dr. **Bailey**. By attempting to develop very substantial assistance to paraprofessionals to unionize so that you cut across these fields of contention.

Dr. **Kirst**. I think that you——

Senator **Mondale**. We certainly learned from that heartbreaking dispute that no one gains from that kind of collision if it can be avoided.

Dr. **Kirst**. I think in some ways there are several different strategies, maybe they will collide, but in part moving toward stronger parental control and the lawsuit, and in part, toward strengthening the teacher organizations. You can pursue all these strategies simultaneously. They may conflict in the end but they are not mutually exclusive.

Senator **Mondale**. Let me ask you one other question: In the beginning of your statement you said that there is no evidence that Title I money has really improved achievement levels.

STRATEGY NEEDED FOR BETTER EDUCATION

If you developed a strategy for helping the children who are cheated in early life, what would you pursue, more money, more integration, more money than integration, community control, or what is the Kirst plan for that?

Dr. **Kirst**. I guess I would come out that from what I have seen, not that much, as this committee is trying to bring out more and more, as far as achievement levels. If you are looking at that objective I want to be careful to say that that is not the sole objective of Title I, that certainly integration in the partial studies we have seems more effective than compensatory education.

But all of this, when one looks at the data, you have to hedge so many ways that it is not all that conclusive. You have these various studies of integration impact on achievement. You look at them and they look impressive. But in some cases people are pointing out methodological problems that may invalidate the positive results.

Senator **Mondale**. What is your example? What do you base that on?

Dr. **Kirst**. Well, there were several studies basing it on some of the data that is produced in the racial isolation of the public schools study by the U.S. Commission on Civil Rights. But, you know, a lot of those studies when you look behind them, there was some methodological problems with the way they were carried out.

I guess I am basically still at a stage where my plan would be that we ought to go ahead and reform the financial system. We can work on that in the sense of just evening out the equity of the dollar spent per pupil and I would do that, as you have heard from other testimony, through the Federal incentives on State and local financial imputs.

So, I think we can accomplish better equity and we can know that we can straighten out the dollar flow and have some sense that we have accomplished something. I think there is a strategy to reach that.

On the other side, which is a sort of opening-up for options, as Professor Bailey talked to, or the more effective education in the classroom, there I am still pretty much on the experimental strategy myself. I don't think we have all the answers or even many of them. And I would tend to explore various kinds of routes along the lines of experimental schools, to find out what the most effective techniques are.

Senator MONDALE. What is the Bailey plan?

Dr. BAILEY. I mentioned teachers' centers and the 1 day a week off as one possibility in the troubled-school areas. I believe that in moral terms, and in 14th amendment terms, we have to straighten out the disparities of input, of money, for the education of children. I guess I am not very optimistic that that by itself will make much difference in the performance of children unless a lot of other things happen at the same time.

LACK OF KNOWLEDGE

I think that a fair statement is that we don't know how to teach poor children in this country and that part of the ignorance stems from our lack of knowledge about what enables people or causes people to learn. It is conceivable that some of the problems may have to do with prenatal diet; it may have to do with whether the child is played with adequately by the parents the first few months of his life; it may have to do with early nutrition; it may have to do with the self-image question: Children growing up on a society which for 200 years or more has dumped upon people of their skin color or religious affiliation: in some cases, slowness in learning may have to do with the bilingual problem.

The fact is that we can point to certain schools, at certain points in time, where inspired leadership and a few extraordinary teachers get through and make a difference. What we haven't yet developed is any clue as to how to universalize these lighthouse experiences. I would think that this calls particularly on the kind of investment in knowledge that we have poured, say, into cancer research or the moon shot. It is why, as I indicated in my testimony before John Brademas' committee, I think it would be a mockery to have NIE start off without an adequate funding base.

We have to begin to pour into the field of educational R. & D. the kinds of talents and resources that we have poured into big things like space and defense. It is that important to the future of our society, and I don't see us making an awful lot of progress until we do just that.

Senator MONDALE. Suppose we break down those recommendations in two lists. One things we should certainly do based upon what we know; and two, things that certainly should be tried and experimented with.

I must say that it is very distressing to try to probe into this question of why poor children are being cheated in American life—and no one can deny this—and then you ask American educators what works, and they bump into each other. It is absolutely appalling, the uncertainty, the disarray of information and conflicts.

And meanwhile the poor children are getting cheated. Workers are up in arms over busing and the rest, and we seem to be generating fantastic conflicts and virtually no progress. I had hoped that this committee could come up with some hard recommendations and get ourselves on a strategy that is at least understandable.

Do you want to respond to that?

Dr. KIRST. No; except to second it. I think that anybody that portends they have the solution is really kidding you. I think you can get a lot of partial ones but it is the same frustration that you express, we meet all the time, in training administrators and teachers.

Senator MONDALE. Thank you very much.

The committee is in recess, subject to the call of the Chair.

(Whereupon, at 12 p.m., the Select Committee was recessed, to reconvene at the call of the Chair.)

APPENDIX

DELIVERY SYSTEMS FOR FEDERAL AID TO DISADVANTAGED CHILDREN: PROBLEMS AND PROSPECTS

By M. W. Kirst

I. INTRODUCTION AND OVERVIEW

In the late 1950's the American federal system began a new phase. A massive array of legislation restructured federal-state-local relationships with substantial emphasis on asserting a national interest in assisting the disadvantaged. Prior to this period the *typical* national assistance program did not involve an expressly stated *national* purpose. As Sundquist observed, (federal aid) was instituted, rather, as a means of helping state or local governments accomplish *their* objectives. It was the states that set the goal of "getting the farmers out of the mud" through improved state highway networks; federal highway aid was made available simply to help them reach the goal sooner . . .[1]

From the 1867 Morrill Act, however, education has always been an exception to this general practice because of its categorical orientation. The pre-1958 pattern of federal aid to education was in many ways typical of the traditional pattern but there were specific categorical restrictions that constrain any move for general aid to education. In essence the Federal government says to the states and localities "Here is some money to solve this particular problem, you figure out how to do it." Nevertheless, a substantial priority setting and substantive policy making under the 1917 Vocational Education Act, for instance resided in the state and local education agencies. Federal review and control sought primarily the objectives of efficiency and economy to safeguard the federal treasury, but not oversight of substance of vocational programs.

Even controls or information feedback for the purpose of assuring efficiency could be loose, because the State Education Agency's (SEA's) and Local Education Association's (LEA's) put up 50% of the money through matching. It was assumed that SEA's and LEA's would protect the federal government in their vigilance against waste of their own money.

Traditionally vocational funds were distributed among the states on a formula basis and the states—within only vague and flexible federal guidelines—determined the allocation among LEA's within the states. Since federal officials saw their role as technical assistance, state plans were not rejected and differences were negotiated among professionals. As we shall see later, this system resulted in relatively few voc ed dollars reaching poor LEA's compared to wealthy districts. Within all LEA's disadvantaged students fared particularly badly until the 1968 amendments as recipients of federal-state vocational education programs. (From 1963–1968, disadvantaged pupils received less than 1% of the $800 million in federal aid.) The Chief State School Officers and the vocational educators organized potent national organizations with the dual mission of lobbying for more federal money and resisting proposals for extension of federal supervision.

The transformation of the federal system in the 1969's can be seen in the dramatic expansion of volume in federal grants to states and local communities under both new and old legislation. From 1958 to 1970 federal aid rose from less than $5 billion to over $25 billion. The Office of Education's appropriations rose from $700 million in 1964 to $4.45 billion in 1971. In 1971 education authorizations were a whopping $11.8 billion.

Sundquist stresses the newer model of federal grant is "conceived as a means of enabling the federal government to achieve *its* objectives. The program remains a federal program; as a matter of administrative convenience, the federal govern-

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ment executes the program through state or local governments rather than its own field offices, but the motive is federal, with the states and communities assisting—rather than the other way around."

In federal education aid, the administrative mechanisms embody elements of *both* the pre and post 1958 administrative patterns. While some programs oriented especially to the disadvantaged (e.g., Title I of ESEA) are more in the new mode, other programs with a large potential for aiding disadvantaged youth (e.g., vocational education) remain largely in the traditional pattern. The NDEA passed in 1958 reflects a mixture of both administrative patterns. A succession of recent Congressional amendments to several education programs has weakened the federal control in favor of increased prerogatives for SEA's and LEA's. USOE officials, however, have talked about concepts like comprehensive planning and packaging as methods to focus federal programs (Title III ESEA and Teacher Training) on the disadvantaged that were not Congressionally mandated with such an emphasis in the forefront. However, comprehensive planning and "packaging" are still in the experimental stages.

Achievement of a *national* objective for the disadvantaged requires substantial federal leverage over the content of the program. Federal approval of each LEA project is thought to be the most effective mechanism for accomplishing national objectives. For instance, federal project approval could target funds to a federal priority e.g., disadvantaged youths. As further inducement the federal government could reduce the state matching percentage to a minimal level. Moreover, in some poverty programs the federal government fostered the creation of wholly new bodies at the community level, or even used private organizations as an administrative mechanism with substantial representation from the poor.

Again, education programs for the disadvantaged never approached the "pure form" of the new administrative model under CAP or Model Cities. As we shall see, individual LEA projects are typically not approved by USOE, but rather by SEA's operating under general Federal regulations and guidelines. While there is usually no matching required, eligible grantees were restricted to the established local public education agencies. Moreover, the forms of parent participation required in Model Cities and CAP projects have never been required by USOE.

Given this contrast in administrative modes, it is useful to explore the relative effectiveness in assisting the disadvantaged of federal programs under the newer model to the mixture embodied in federal education programs. If even the "pure form" had grave defects, then we must look for specific overall constraints in the federal delivery system that transcend particular administrative arrangements. On the other hand, certain factors may lead to more success in the mixed model (presented by education) as compared to the newer models.

Obviously, there has been a gap between promise and performance of federal categorical programs and this has been documented in the Committee's investigation.* While this gap is substantial and often crucial, there have been some successful administrative elements. In part, this paper will attempt to sort out these elements in addition to examining entirely new delivery systems. One of these new alternatives to be explored is general revenue sharing and bloc grants (special revenue sharing).

Changing Concepts of Federalism

Intergovernmental relations and politics focuses on a "relationship." Consequently, the concept of sovereignty was borrowed from the study of nation states. The "states' rights" ideology led to the concept of dual *sovereignty.* Morton Grodzins demolished the myth of dual sovereignty stressing nearly every function was shared by almost every level of government. His analysis of intergovernmental relations was highlighted by the rubric of "cooperation", and he contended conflict occurs *not between governments* but among branches of the same level of government.[2]

In the 1960's the basic character of the typical Federal assistance program changed from a means of helping state or local government accomplish their objectives to the use of lower levels of government as an administrative convenience under some explicit controls. Such a change has led to tension between the federal levels and conflict has grown so that now power struggles and treaty negotiations among mutually jealous federal-state-local governments are commonplace. These intergovernmental struggles often changed the basic substance of federal programs.

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*See for instance the GAO Audit Report on Title I and the NAACP Report on *Title I: Is It Helping Poor Children; Indian Education; And the Emergency School Assistance Program.*

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In education administration this intergovernmental conflict is rarely overt and is usually kept on a subtle professional basis. Indeed state professional educators feel more at ease dealing with federal educators who share the same general values than with general government executives or community groups from disadvantaged neighborhoods. Although there is a considerable amount of potential conflict, federal deference to the views of their state colleagues has diffused quite a bit of it. Congress has also been receptive to state pleas for less federal control. At any rate, there is a range of federal-state relations spanning such attitudes as (1) cordial and friendly, (2) competitive, (3) manipulative-defensive, and (4) hostile. Different states fall in different parts of this range. David Walker summarized the state of theoretical development:

> If the marble cake theory is true, why is there so much conflict and hostility in the system? If the layer cake theory is true, how can we explain the many collaborative interactions that take place? . . . We have reached the point at which we must look at the interactions vertically and horizontally and then must develop a new theory from that perspective.[3]

Federal control has been a particularly provocative concept in our tradition of Constitutional state and local prerogatives in education. This national norm of local control retains a strong following in the federal system and makes education administration different (and probably more complex) than federally financed economic development programs. As we shall see, open conflict between the federal agencies and SEA–LEA implementers is rare. But lower levels of government may tacitly ignore the essence of federal education regulations, and thereby assert the primacy of their organizational goals without any overt breakdown in negotiations with USOE. Consequently, this paper will also consider the adequacy of federal sanctions over SEA's and LEA's.[4]

The writer believes a crucial (if not the crucial) reason federal programs have not lived up to their promises is poor implementation. Most of these implementation problems cannot be solved by adding more restrictions to the legislation. They can only be overcome if the administrative mechanism is reoriented and strengthened.

II. GENERAL CONSTRAINTS ON FEDERAL PROGRAM EFFECTIVENESS IN REACHING THE DISADVANTAGED

This section will examine constraints that apply to many federal programs for the disadvantaged with some special references to their implications for education. Such a general overview will show that crucial constraints are not restricted to HEW–USOE but rather are endemic to the federal domestic delivery system.

The Federal Bureaucracy

A strong emphasis for disadvantaged peoples emerged in federal domestic programs during the 1960's. The "War on Poverty," urban riots, and the civil rights movement were some of the general causes. Priority for the disadvantaged in budget policy was instituted by the OBM and White House. While increased federal appropriations could be earmarked for the disadvantaged, the provision of services, income, and jobs depended in part on the commitment and competence of career civil servants. While the Secretary of Labor and the head of the Manpower Administration, for example, may set general policy, a career civil servant negotiates specific grants and deals with local poverty representatives. In short, it is a long bureaucratic chain from White House priority setters to a GS–14 who is negotiating with Dayton CAP or the Indiana State Department of Education.

Federal civil servants are a conscientious group who, for the most part, will attempt to adjust to a change in White House priorities.[5] But prior to the mid-sixties, these civil servants knew very little about the life style and problems of disadvantaged minorities. A lack of minorities in top federal grants administrative positions demonstrates one aspect of this problem. Prior to the late sixties, professional training in Schools of Education and Public Administration contained meager content on administering programs directed at the disadvantaged. The "other America" was neglected in professional training as well as public policy.

Federal civil servants are aware of the rapidly shifting Executive priorities as top federal policy makers change, elections approach, or Congressional amendments respond to pleas from established recipients who are no longer favored. Consequently, the federal bureaucracy moves slowly and cautiously with very few monetary and promotional incentives for rapidly responding. As priorities change, a federal civil servant will be in better position for promotion if he is not

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identified solely with an outmoded cause (particularly if it is an emphasis of the prior Administration). Within-grade promotions are automatic and job security is assured. In sum, the economic incentives for civil servants to rapidly and to completely implement new Administration policies are at best unclear. This is especially true when favoritism for the disadvantaged in grants will lead to conflict with professional and state/local colleagues who have built up "good working relationships" over several years. It is these professional state/local colleagues with whom the federal administrator must work under different future priorities, and to whom he might go for contacts on other positions.

We need more research on the capability and performance of the White House and OBM in oversight of categorical grant administration.* Experience to date, however, indicates the White House itself has almost no staff or time for this function and leaves it to OBM. OBM has no field staff, and yet it is *in the field* where the programs reach the intended beneficiaries. It is also in the field where political compromises are made that dilute funds for the poor. Finally, it is in the field where the overlap and confusion of federal programs leads to funding delays and fragmentation of effort.

Despite their unease about agency implementation capability, OBM's budget examiners must spend most of their time in D.C. dealing with agency officials on financial issues. While OBM expanded its economic analysis staff, the economists rarely deal with the administrative problems detailed throughout this paper. The economic analysts were in a separate organizational area from the budget examiners who had direct leverage on agency implementation policies. The reorganization announced by President Nixon in 1969 should improve OBM's management oversight capability. Indeed it was an acknowledgement of weaknesses in this area. It is too soon, however, to evaluate whether the formation of an OBM Management Branch will make a big difference; especially in view of the continued abscency of any OBM field staff.

In short, the White House staff concentrates on new legislation and overall budget decisions with few resources for oversight and supervision of the implementation of individual grants through the federal system. It is in part the aggregate of these individual grant decisions that determined the gap between promise and performance of federal categorical aid. Revised legislative provisions can rarely sweep away such inadequacies in the implementation process.

The General Accounting Office is an arm of the Congress with general responsibility for reviewing the administration of programs. GAO's concept of "comprehensive audit" includes analysis of administrative procedures and program effectiveness as well as the traditional focus on verifying vouchers. In short, GAO has a hunting license to comment on any aspect of program performance in addition to checking the bookkeeping. GAO's problem has been a limited trained staff to perform comprehensive audits. Consequently, it is many years before the GAO auditors get around to a new categorical program and even then GAO resorts to spot checks. For instance, there are 19,000 LEA's receiving federal grants and GAO can cover only a small fraction of those each year. Auditors tend to go where there are demonstrated problems or particular Congressional interest. Under these criteria it may be too late e.g., the program may be so discredited or riddled with administrative problems that a salvage operation is unlikely.

The Federal domestic agencies have greatly expanded their planning and evaluation staffs. These staffs, however, focus on post facto evaluation of program outcomes, e.g., have children learned, job trainees been placed, or new jobs created. This post facto orientation results in a time lag before categorical programs are assessed. More important, it frequently overlooks a detailed examination of political and administrative process variables, and delivery services. Such evaluations can sometimes tell you whether a program has not met its goals, but it can rarely tell you why. In systems jargon these evaluations focus on inputs and outputs with little attention to process or delivery systems. Consequently, they are of limited use in preparing a paper such as this or in recommending new approaches for administrative policy.

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*Thomas Cronin of Brookings has been working on this topic and could assist the Committee in more detailed analysis. In a recent article, Cronin concluded, "To be sure, White House staff have been quite strategically important in policy formulation stages of federal policy. But their apparent 'effectiveness' in this one sphere too often obscures an unimpressive record in policy direction of 'followthrough'. While White House staff may contribute to the distillation of a vast amount of incubating legislative proposals, Congressional subcommittees along with departmental officials are often able to go about the work of steering and administering federal domestic programs with seeming immunity from White House influence."

State Administration: Structure and Personnel

Federal categorical programs for the disadvantaged are filtered through a specific state and local administrative contest. Political scientists employ the term "political culture" when they analyze comparative state politics.[6] The political culture of Louisiana and New York are quite different with regard to such things as:

(1) urban/rural conflict and bias in state administration;
(2) tradition of "localism"—e.g. how much do state officials defer to local judgments or assert substantive state leadership;
(3) impact of pressure groups on administrative decisions;
(4) professionalism, performance, and competence of state agency employees;
(5) role of the governor in administrative oversight.

The performance of state officials varies greatly and sweeping generalizations are likely to be impossible. It is demonstrable that *some* state and local agencies are hostile or indifferent to many federal categorical thrusts aimed at the disadvantaged. But federal officials cannot bypass the bad ones and work through the good ones. In many states and localities, the political and administrative reward structure offers little for the bold administrator who favors the disadvantaged. All the problems of the merit system and professional working relationships apply here as well as at the federal level. State administrators understand federal priorities are likely to change, and if federal policies conflict with the state orientation to the disadvantaged, it is the long term state policies that determine an administrator's job success.

State administrative pay scales have lagged behind federal and private salaries for many years. It is not unusual for a federal administrator of a categorical program to be making $20,000 and his state counterpart $14,000 or less. In Texas, for instance, state education administrators are returning to high school teaching jobs because of their higher pay scales. The teachers lobby has been successful in raising the state minimum teachers salary schedule but the state administrative employees have less political clout throughout the state. State employee salary maximums are constrained by low ceilings for top state administrators (who often make less than $25,000) and grade promotions are rarely as rapid as those in federal service. All of these salary factors tend to militate against a first rate administrative staff. Indeed many very able people remain in state government at a considerable financial sacrifice.

A 1967 report summarized the background of SEA personnel in this manner:

"The most obvious generalization which can be made in summarizing our analysis is that the professional personnel in each of the States we studied comprise extremely homogeneous groups. These State Departments of education are largely composed of men who have lived their lives in the rural areas of the States they serve; who have gone to State teachers' college and perhaps the State university; who had begun careers as professional educators, generally in rural schools, before entering the department; and who had been invited to join the department by another member of the State Department of Education."*

State government has a tradition of limited gubernatorial supervision of state administration. We have seen the limits of the White House staff for oversight of implementation but state government is even in worse shape. Governors have rarely taken an interest in the management side of government. The political rewards are rarely in that direction and central budget and management resources are meagre. This small staff is a reflection of the general understaffed condition of state government. In many states, individual departments are in important ways autonomous from central executive control.

For example, state Education Agencies in 12 states are responsible to an elected lay state board of education. State boards are sometimes elected by the legislature (New York) or in other states selected with staggered terms by the governor (California). In 21 states the Chief State School Officer is elected directly and thereby maintains a political base distinct from the governor's. Usually state Boards of Education meet once a month and have no staff and demanding outside jobs. While most governors have budgetary control over state funds, state agencies are relatively free to proceed without gubernatorial or legislative oversight on federal funds. State administrators are in an intermediate position—responsible neither to federal executives or governors.

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*David J. Kirby and Thomas A. Tollman; "Background and Career Patterns of State Department Personnel", in Roald I. Campbell, and Gerald E. Stroufe, Donald, H. Layton, and (eds), *Strengthening State Departments of Education*" (Chicago, Illinois Midwest Administration Center, June 1967), pg. 39.

Footnotes at end of article.

The policy consequences for categorical aid of this administrative independence are difficult to assess. In some cases independence from the governor may assist state agencies in reaching disadvantaged populations who are a minority of the electorate. In other instances, a governor may be unable to bring his agencies into line even though he is enthusiastic about reinforcing the national objectives of categorical aid. Where federal programs involve a substantial state role, we do know there is no way to assure uniform program administration by working through sympathetic governors. This insulation from central executive control also makes state agencies more vulnerable to cooptation by established special interest groups. For instance, professional teacher organizations can capture the top echelons of a State Education Agency, the local vocational agriculture directors a branch in that agency, and so on with little countervailing influence from newer groups representing the disadvantaged or the urban orientation of central executive policymakers. If one's objective is to break up the influence of professional educators then channeling funds through governors is often effective.

State Agencies have rarely had enough support from governors and legislators to adequately staff their needs. Consequently, Federal money under Title V ESEA (about $27 million) and a 1% administrative overhead charge on other federal titles have provided the bulk of growth in State Education Agencies since 1965. For example, in Texas 70% of the SEA is financed from Federal money. Despite this impressive growth, state administrators claim they are chained to their desks with paperwork, and can rarely monitor categorical programs at the LEA level. Funds are even more scarce for evaluation or they are diverted to other SEA operations from evaluation.

In 1970 the Urban Institute made an in-depth study of several states and their conclusions are illustrative of the problem:

> There are not enough people working in evaluation at the State level and possibly not enough of the right kind of people. State evaluation efforts are badly understaffed either because the SEA has not allocated sufficient positions for evaluation or because the positions which are allocated go unfilled. Salaries paid State evaluation personnel (and other State personnel as well) are often not competitive with those paid by large urban or suburban school districts or with the salaries a qualified evaluation specialist could command in the market place . . .
>
> But in every case, the Federal funds have been spread across a variety of State agency activities, only some of which are directly related to evaluation.[7]

In sum, although the states have the leadership role in approving and revising LEA categorical programs, their manpower resources are not sufficient for the job.

An overarching problem of state administration in several fields, but particularly in education, is the norm of "localism." The respect and deference to local control varies widely among the states. It is strongest in New England but maintains a strong foothold in all states. In education, "the religion of localism" is a shorthand expression of a sociological norm which says that local communities should be the dominant partners in the American governmental mix of federal, state, and local entities. This means the LEA should have the major voice in determining policies, directions and operations of schools. Localism helps to restrict the prerogatives, scope, and style of SEA operations. As the Urban Institute study concluded:

> SEA's have played a traditionally passive role in the direction of education. SEA personnel typically cajole, suggest, urge and perhaps even exhort—but almost never REQUIRE—LEA's to make appropriate changes in educational practice.[8]

In spite of all the problems detailed above several states have been more agressive than the federal government in advancing the interests of the disadvantaged. We will return to these success stories in another section of this paper. We shall also examine the problems of direct USOE administration.

Local Educational Agencies and Federal Categorical Aid

Local educational agencies provide the cutting edge of categorical aid—the contact between teacher and child. The effectiveness of local education agencies in a general sense is treated in other subcommittee papers. To a substantial extent both the problems and attributes of overall LEA performance apply to federal aid. But federal aid also contains some particular attributes and drawbacks in this local context.

Federal categorical aid is designed to be a catalyst or stimulus for LEA attention to particular national objectives. To a significant extent federal aid has evidenced a significant impact as a 1965 study of innovation in six large cities concluded:

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> It is clear that the emerging role of the Federal government through the Office of Education is an external force promoting the greatest change in the large city districts that has been witnessed in the course of their history . . . Compensatory education was virtually non-existent prior to federal aid. The proliferation of experimental programs can be traced directly to the influence of federal aid policies. Pre-school education is now widely accepted under "Headstart" auspices.[9]

In a large number of cases, federal aid has elevated a new breed of teachers and administrators with special concern and expertise with disadvantaged youth. We do *not* know how often federal categorical programs have been a stimulus to *broad scale* change in the entire LEA. There are numerous instances where federal projects have been strictly confined to specific showcase demonstration attendance areas. Business as usual even in these showcase areas is resumed after federal funds are phased out, or federal funds have been in place so long that district-wide routine takes over. There are special problems (as discussed in a subsequent section) in insuring federal funds even reach the target group specified in the categorical legislation much less change the basic instructional approach.

As in state government, we confront the problems of incentives and goal congruence—local goals may have a very different emphasis than the federal category. A federal goal of innovative programs for the disadvantaged may conflict with a local goal to provide a teacher salary increase and thereby stabilize property tax rates. In such cases, the administrative "muscle" of federal and state governments may not be sufficient to overcome local resistance or modification to better meet the local priority. In school desegregation, for example Southern LEA reactions were along a range of compliance:

1. *Voluntary non-compliance*—i.e., close the schools entirely.
2. *Involuntary minimal compliance*—appeal all adverse decisions and otherwise delay change by every means. Grant claim only to specific class of black litigants.
3. *Involuntary token compliance*—desegregate after first adverse decision, yet use alternative which desegregates the least.
4. *Involuntary moderate compliance*—same as 3, but made wider plans for desegregation without effectuating it on a compulsory basis.
5. *Voluntary minimal compliance*—i.e., move before threat of litigation, with compliance only minimal.
6. *Voluntary compliance*—providing full compliance without threat of litigation. [10]

One can posit an analog under federal categorical aid titles such as Title I ESEA. Some districts would channel all the funds to the disadvantaged, while others would only move after court suits or after they saw funds withheld by USOE in a nearby state or LEA. Indeed California and Mississippi probably stand at the opposite poles of this Title I continum. In short, federal agencies are ineffective *on their own* in imposing a uniform high quality implementation policy for specific categorical legislation across a pluralistic school system. In desegregation it required a statute backed by willing courts and Congress, energetic enforcers, and a supportive public to even dent resistance in the deep South. National concern has never been so forceful or focused on the proper implementation of particular categorical programs for minorities.

Even if an LEA school board and superintendent are enthusiastic supporters of a federal categorical priority, it is still a long implementation chain to the teacher in the classroom. Most large LEA's have a federal projects officer whose job is "to get our fair share of the federal money." Federal projects are viewed as ephemeral funds that come late in the year and can disappear at the whim of Congress or a new USOE bureaucrat. Consequently, federal categorical aid is administered like "soft money" so that its withdrawal will not upset the "regular program". The result is a lack of lasting impact from federal funds on the mainline instructional effort.

An enthusiastic superintendent or school board with regard to a federal program does not insure an enthusiastic local bureaucratic response. Most key administrators in large systems are holdovers from past superintendents who have risen through the numerous bureaucratic chairs. They are not about to revolutionize traditional ways of allocating money or teaching English over federal money—which is 7% of their total revenue. Superintendents frequently find they cannot implement their own priorities through an encrusted bureaucracy much less federal ones. Teachers may be willing, but federal funds are rearely accompanied by the

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lead time, planning, and in-service training[11] to change teaching behavior. The normal procedure is little or no planning and a one or two week superficial teacher orientation.

Conclusions on Federal, State, Local Administrative Constraints

So far we have considered each of the three administrative levels separately. The constraints to effective and focused implementation (at each level) for federal categorical programs are impressive. But education programs unlike CAP or Manpower Training involve all three levels—especially the states! It is a long way from USOE to a classroom in Houston, Texas with many potential sandtraps and chasms in between. When one aggregates the various structures and individuals at all three levels that must be changed or overcome by categorical aid, it is indeed an awesome task. In education the strategy of top-down from Washington was pursued from 1958 with little reform accomplished at the state and local levels. While CAP and model cities focused to a significant extent on citizens action strategies at the local level, this was not a prime focus of federal education programs. Indeed citizens groups still contend they lack basic information no many federal education efforts.

At the bottom of the implementation chain is the teacher who has a "pocket veto" on instructional goals of federal categorical programs. We have almost no information on the educational process for special federal programs once the classroom door closes. We do know that federal aid has rarely considered the magnitude of teacher training needed, or the special organizational goals of the increasingly powerful teacher organizations. This will be considered in depth in a later section.

Special Problems of Federal Categorical Programs: Fragmentation and Uncertainty

In addition to the built in constraints outlined above, federal categorical programs in all domestic areas have created some of their own. When the federal structure was transformed in the late fifties and sixties, it was not recast according to anybody's master plan. Little attention was given to administrative language or the pattern of federal-state-local relations. The focus was on the substance of the legislation. Formula grants coexisted with project grants. As Sundquist observed, established agencies competed with new ones as recipients of federal funds in a bewildering array of relationships.

> In short, we found conflict between professional administrators at the State and local levels, between line agency officals and elected policymakers at all levels, between administrators of one aid program and those of another, between specialized middle management officials and generalists in the top management category, and between standpat bureau heads and innovators seeking to strengthen the decision-making process at all levels.[12]

In much of the discussion a constantly recurring objective was an elaborate federal structure of coordination. This structure, however, relied on mutual adjustment rather than central direction; upon what could be attained through negotiation among equals rather than the exercise of hierarchical authority. Moreover, almost as many coordinating "solutions" were conceived as their federal agencies grappling with community development. The situation degenerated until a "coordinator of the month" and a matching "coordinator of the month" field structure became a 1966–68 Washington syndrome. OEO had its Community Action Agencies (CAA), HUD its city demonstration agencies (CDA's); Commerce its economic development districts (EDD's); Labor, its cooperative area manpower planning systems (CAMPS) and (CEP); Appalachian Regional Commission its local development districts (LDD's); Agriculture had three different districts, and so on. Education programs related to all of these community development coordination devices but never had one of its own. Many of the agency programs like Model Cities and CAP provided money directly to LEA's or public school alternatives. As one local executive observed, "our city is a battleground among federal Cabinet agencies."

Along with this fragmented effort, federal categorical programs have frequently involved either too little planning or too much. ESEA in 1965 is a good example of the former and Model Cities of the latter. Under Model Cities delays, funding stretch outs, and extended planning periods may lessen the impact on the federal budget but they also lead to undesirable consequences. The fanfare of the categorical Model Cities program leads to considerable local enthusiasm which turns to bitterness and loss of interest as the money is delayed. A variety of federal coordination structures also requires numerable checkpoints (with consequent delays) to guard against overlap.

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The chief complaint of local educators about federal aid has been appropriations delays whereby funds arrive in November after the September start of the school year. Repeated experience with this reinforces the inclination to treat federal aid as "soft money" that should not be integrated with the mainline educational program. The uncertain timing impedes planning and the inservice training of local school staff (or the early employment commitment to scarce specialists such as psychologists.)

Related to this is the continual turnover in key federal policymaking personnel. New people bring a new view of priorities—human nature seems to militate against reinforcing and building on your predecessor's ideas. Consequently, a Community Action Program is started and then cut back; a Title III ESEA for supplementary centers is begun and then reduced in funding and redirected; teacher training institutes in English grow and then are eliminated, and so on. Categorical programs for the disadvantaged often run counter to the established pattern of political influence in terms of financial priorities among diverse local attendance areas. This instability in federal programing leads to a restrained state and local response to federal categorical initiatives for the disadvantaged. The attitude becomes one of "this too shall pass." Consequently, the safe course of action for SEA and LEA administrators is not to upset existing local funding priorities that may favor particular schools in the higher income sections of the LEA.

This last observation leads to a basic issue that spans the entire spectrum of federal categorical aid—how deep and enduring is the federal government's commitment to close the gap between advantaged and disadvantaged? The "trickle-down" theory of policy does not imply closing the gap but rather giving the majority of the benefits to the politically potent advantaged and expecting some benefits to trickle down to the disadvantaged, The War on Poverty and the outrage inspired by such books as "Other America" may have hearlded only a transitory period in American public policy. Given the large number of hurdles federal education programs must pass through, the federal commitment must be strong, durable, and unequivocal to be effective. For instance, the enormous and growing gap between authorizations and appropriations in Title I ESEA, and the failure of this program to even keep pace with inflationary cost increases since 1965 belies a lack of sustained national commitment. This has been noted carefully by administrators and teachers throughout the vast federal-state-local education system who must implement the new categorical priorities.

III. FEDERAL EDUCATION PROGRAMS FOR THE DISADVANTAGED: PROMISE AND REALITY

The first section will examine in depth specific administrative issues in federal education aid before turning to a title by title analysis in the second section. The preceding background on general problems in federal categorical programs provides the perspective for this intensive analysis.

The Administrative Pattern for Federal Aid to Education

With the exception of some small project grants (ESEA VII, VIII, and EPDA) federal programs are administered in substantial part by the states.* A review of the legislative and administrative history of recent federal aid programs reveals program effectiveness usually depended on a powerful and innovative unit outside the federal government. ESEA was founded on the basis of "creative tension" between federal administrators wielding general guidelines for local categorical programs, and state departments of education with sole power to approve specific local project proposals. Big city school districts were confronted with a state department of education that had a substantial amount of federal money to build up its staff capability and detailed approval power over new categorical programs serving the most discontented city populations.[13]

The crucial USOE control is through its regulations that have the force of law and the guidelines which interpret for laymen the "legalese" in the regulations. Guidelines also include a mixture of USOE advice and suggestions which are legally non-binding. Some USOE programs employ periodic and supplementary program memorandum which presumably clarify regulations and are to some extent legal mandates. SEA's and particularly LEA's are confused as to what is binding and non-binding in these three different instruments of federal control. This confusion permits slippage and evasion, especially when supplementary program memorandum have changed long standing policies that were purported to be based on the same original statutory provisions.

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*This ignores School Assistance and Federally Affected Areas (Impacted Areas) which the writer regards as essentially general aid.

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In short, the limits of USOE legal muscle are unclear. Since funds are almost never withheld there is virtually no court precedent on the "grey areas" in binding or non-binding guidelines and program memoranda.[14] Occasionally, federal auditors recover funds where SEA's and LEA's have violated explicit regulations. More often suspected or actual violations are negotiated informally among friendly professional educators at the three federal levels who have worked with each other for several years. The outcome of the negotiations is similar to the Federal Trade Commission's "consent decree"—a promise not to continue the questionable practice with no penalties for prior actions.[15]

Except for Title I ESEA, large federal categorical programs are administered through state plans. State plans have been used since the 1907 Smith-Hughes-Vocational Education Act. No state plan has ever been denied by USOE although several have been "delayed" until suitable corrections were made. State plans primarily repeat the federal regulations with state promises to fulfill them. Little specific information is provided on the intra-state allocation of money, the preferred educational program thrusts, or criteria for approving or rejecting LEA proposals. Indeed USOE does not now have solid information on how much federal money specific localities in any state are receiving under most state plans. A separate study had to be commissioned by the Urban Coalition to get data for major cities.[16] Traditionally, USOE and the States have regarded such information as none of the federal government's business. In sum, one can gather little about the operation or funding criteria of a federal-state program from reading the state plans.

The negotiations between SEA's and LEA's reflect varying degrees of the "religion of localism" analyzed above. LEA's frequently try to reword their own priorities so that they fit loosely within the federal categorical regulations. Open conflict with the SEA is rare, and substantive disagreements can be ironed out among professionals. Again, generalizations about intergovernmental politics of education are impossible. We lack an adequate data base. The case studies to date show a tremendous variance. Some states go beyond the Federal guidelines in a positive fashion of additional requirements to target aid to disadvantaged pupils; others do not even bother to enforce basic federal regulations. States are distributed along this continuum but federal policymakers often act with one end or the other in mind. It is difficult to overcome the multiple constraints on federal-state-local relations detailed in the prior section. But many states and localities have done it; many have not. We need to know how often each of these types of behavior occurs.[17]

One of the difficulties is finding out results from "multipocketed budgeting." Federal aid must be seen as an integral part of the local district's entire funding structure. School districts have multiple sources of revenue including bonds, property taxes, special taxes for handicapped children, several categories of state aid, and numerous federal categories. As the number of income sources increases, the ability of any single supplier to trace the impact of his contribution decreases. Administrators tend to use those resources with the greatest number of restrictions first, and save those with the fewest regstrictions until last, i.e. a propensity to conserve all-purpose resources.

Federal policymakers often assume implicitly that local administrators plan their "local" programs, fund them, and then turn to funds available from the federal government. Any federal programs undertaken are added only after the local budget has been obligated. This procedure is usually not followed. As David Porter demonstrated, more often local administrators follow the strategy of multipocketed budgeting. They plan their programs and then review all their income sources, including federal grants, to find the needed resources.[18] This latter procedure tends to promote local priorities at the expense of federal ones.

This substitution of local priorities seems to be encouraged by such concepts as packaging or "program budgeting". Districts plan how to shift their flexible resources to other uses as categorical grants become available. For instance, Porter cites a suburban school district in Southwest that devotes as much federal money as possible to salaries. This is the hardest money for them to find from other sources. This superintendent can raise local money for construction through a special bonding fund.

When all of the local, state, and federal income sources are aggregated, most school districts have over fifteen different sources. Large districts may have close to one hundred sources. One large district in Porter's survey had twenty "project

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directors" in the superintendent's office just to handle the categorical aid programs. As the total number of income sources proliferates the apparent restrictions imposed by a particular source become less and less stringent. If a federal categorical grant is restricted to an area in which the district thinks they are doing an adequate job, they will work out a procedure where at least part of the funds are "symbolically allocated"—e.g. a federal grant releases local funds which would have been used in the federally aided program. Anyone familiar with the complex and Byzantine nature of school accounting knows how difficult it is to discover these symbolic allocations.

Intergovernmental Bargaining in Educational Administration

In a recent article on Title I ESEA, Jerome Murphy has examined a number of the crucial constraints within intergovernmental administration.[19] He asks the fundamental question why USOE has not been more aggressive in managing the program and following up on the audits. He enumerates several reasons: (1) limited staff and a service orientation, (2) pressure to get the program moving quickly and to bring about good working relationships with the states. This led to a tendency to overlook alleged misuses and accentuate the positive, (3) a fear if USOE pushed too hard, Congress would replace categorical programs with general aid, in which case USOE would have even less influence, (4) A tendency for Congressmen to abhor waste except when OE accuses officials in their districts of misusing funds. Then Congressmen find state-local prerogatives and local control of education convenient justifications. USOE needs Congressional support to survive.

A final reason is expressed by Murphy this way:

"USOE's behavior has in part been adapted to take advantage of its strategically weak bargaining position. It is virtually impossible for USOE to cut off funds which the states view as their rightful entitlement under law. The states know this and so does USOE; thus, orders or demands by USOE are bound to be ineffective since they cannot be backed up with action. Furthermore, demands might alienate the states and result in a loss of communication. Since USOE's influence comes mostly from the power of persuasion, and since it is presently almost totally reliant on the states for information about local programs, it is absolutely essential that USOE maintain cordial relations with the states. Under these bargaining conditions, the states are in a position to exact a price for their good will. As a result, USOE will be willing to sanction (perhaps covertly) deviations from the statute in exchange for open communications. Thus, the agency's service orientation and deference to local officials can be understood in part as rational behavior, designed to achieve the greatest possible influence from a weak bargaining position. USOE's problem, then, is not simply the lack of will or lack of staff, but lack of political muscle."

Parent and Student Participation

Educators have traditionally asserted their "expertise" as justification for a very restricted role for parents in devising educational programs. PTA is the country's largest voluntary organization but it is aptly described as an "irrelevant giant" or a "cookies and coffee group" when observers assess its policy impact. A review of recent articles on curriculum design found scant notice of parental participation—it was not considered relevant or appropriate.[20] Student governments were even more powerless.

All of this has been changing in recent years with a substantial assist from the federal government. Education, however, has lagged behind such other policy areas as model cities and CAP. Parent participation was not explicitly included in any USOE legislation except in subsequent amendments to Title I. In 1965 parent involvement in Title I and other poverty oriented programs was presumably to be exercised by the required CAP checkpoint procedures. CAP never could get a leverage point on Title I, and Congress eliminated the CAP role in 1967.

The concept of parental influence runs counter to the traditional closed system government of education. This closed system magnifies the power of professional and relegates lay participation to the school board, PTA, and occasional agressive parents. This "closed system" concept is covered in the governance paper by Professor Wirt.

The tortured history of parent participation in Title I ESEA exemplifies the built in federal-state-local resistance to this alien concept.[21] The first set of basic criteria was issued on April 14, 1967 in the form of a program guide from Harold

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Howe to the Chief State School Officers.* This memo called for "parent participation" but was not specific on the nature of participation. The second set of basic criteria in March 1968 on Title I went a step further. It called for involvement of parents "in the early stages of program planning and in discussions concerning the needs of children in the various eligible attendance areas." Four months later July 1968 USOE issued a separate memo stating "local advisory committees *will need to be established* for the planning, operation, and appraisal of comprehensive compensatory education programs."

This last memo brought the education lobbies into action against formal parent committees. Seventeen days later USOE retreated through another memo that in effect told the states to do as they pleased.

Subsequently USOE's Division of Compensatory Education convinced the Nixon Administration to recommend that local advisory committees for Title I be included in the law. The Administration amendment was dropped on the House floor, and the April 1970 Act extending ESEA further confused the matter with unclear language on USOE's authority.

During the following six months representatives of the public school lobby met with USOE and flatly asserted that requiring councils were unacceptable. Unlike the past, however, USOE was also under pressure from the other side, particularly groups coordinated by the Washington Research Project and the NAACP. Finally in October 1970, a compromise emerged from USOE requiring "system wide" parent councils. It remains to be seen whether the requirement survives Congressional scrutiny. It also must be enforced by Chief State School Officers who opposed even milder versions of the October 1970 guidelines. Parent councils would seem an excellent place to implement the form and not the substance of the October 1970 OE program memorandum. For example, spouses of school employees could be included on these lay advisory councils in order to maintain professional control.

Student impact on policy has grown in numerous directions but has rarely focused on federal categorical programs. The focus of student attention has been students rights, minority studies, due process, etc. It is quite possible that students will get around to federal programs. A 1970 survey of cities by Nystrand showed student participation was centered among minority students.[22] White students actively supported the minority group causes in some instances. An underlying theme in a large amount of the protest was an insistence that school personnel be more responsive to curriculum needs felt by students. Students also demanded smaller class sizes, more counselors, bilingual instruction, etc.

It seems feasible that these growing student demands could be linked to the re-allocation of federal categorical funds. Students need information on the potential of federal programs for meeting their curricular and programatic desires. Parent participation and student participation have not worked in concert under Title I ESEA. Such an alliance could be a potent counterweight to professional education dominance in policymaking for federal aid. The use of the students as a lever for change in federal programming deserves some hearings by the Select Committee.

Teacher Organizations and Federal Aid

At the Washington level, teacher organizations present a two front lobby effort—the NEA and the AFT (represented in large part by its parent AFL–CIO). Teacher organizations have traditionally favored general aid (particularly for salaries), elimination of special programs for private schools, and resistance to supporting alternatives to public schools. NEA proposed the Federal Government should assume ⅓ of all public school costs (over $23 billion in FY 1972). NEA has supported categorical programs but only as an interim political necessity until general aid can be passed. Consequently, it has not played a strong role in reinforcing the federal government's *categorical priorities* through its state and local affiliates. In a recent statement before the House Education Committee NEA's John Lumley contended:

> We are tired of American education being studied, analyzed, probed, researched, surveyed, and polled . . . the solutions are not national. What is needed in Chicago is different from what is needed in Lame Deer, Montana . . .
>
> In its policy positions, the NEA has consistently resisted legislation which would undermine the autonomy of state and local governments in the formulation and administration of school systems.[23]

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*For documentation on this section see Jerome Murphy, "Title I of ESEA: The Politics of Implementing Federal Education Reform" in *Harvard Education Review*, Vol. 41, No. 1, Feb. 1971.

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In short, NEA reflects a strong local control bias that runs counter to explicit federal regulations in categorical programs.

AFT is primarily interested in national support to help achieve certain staffing ratios—e.g., 12 pupils per teacher, and no more than 20 pupils per class or 20 class periods per week. AFT believes the deployment and the use of paraprofessionals or teachers (or other educational personnel) should be determined according to local circumstances. AFT also sponsored a study calling for equalizing per child expenditures among the states. Again, we see no particular support by this lobby for federal categorical aid, but we shall return to this issue at the conclusion of the paper. The point here is that the growing power of national teachers organizations is not oriented toward a strong federal/state stance on implementing the letter *and spirit* of categorical programs.[24]

For a number of reasons, including those cited above, teachers have exercised very slight influence on the planning and initial design of local proposals for federal categorical aid. A national survey by the National Advisory Council on Education of Disadvantaged Children concluded federal projects were devised in central offices with little or no teacher input.[25] After the money was obtained, teachers were informed of the project and their role in its implementation. In short, teachers are only slightly more influential than parents.

This lack of teacher influence has also led to a low priority for the crucial component of teacher inservice training.[26]

Federal Categories and Comprehensive Planning

While the array of categorical grants reflect national problems, they do not embody any explicit overall national policy. Since no one was sure what types of federal programs would be effective, the prevalent view of the mid sixties was that almost any good idea was worth a try. For instance, we now have over 170 grants in aid that relate to urban education. Moreover, "hardening of the categories" set in quite early whereby each federal program was administered independently from related categorical programs. For example, it is rare to see a city that links EPDA teacher training to a Title I program that is reinforced by Title III ESEA, and NEDA. Various categorical programs usually operate in relative isolation spread around the city, and rarely concentrate in one school and/or its feeder system.

The Office of Education's response to this confusing and independently operated array of categorical programs was originally to turn to the states for comprehensive statewide planning. In 1968 the Office of Education urged state departments to become the leading force in the consolidation and coordination of federal categorical programs through developing comprehensive plans, application forms and evaluation reports based on statewide priorities. The objective of statewide comprehensive planning was to develop a strategy and plan for integrating, coordinating, and focusing diverse categorical programs in the state on a *limited number* of high priority activities and populations. Implicit in OE's rationale for comprehensive statewide planning was that the needs of the cities and their disadvantaged students would be placed at or near the top of a state plan priority list. Consequently, cities would begin to get a larger share of grants allocated to the states and then allocated to localities through statewide plans. Moreover, the various categorical programs like EPDA, Title III, and Title I could be linked together in comprehensive action programs concentrating on the inner city.

In effect, the Office of Education answer to the most pressing problems of federalism in education is further strengthening of the state departments. More federal money was given to upgrade and add more state administrative personnel to carry out comprehensive statewide planning.[27]

The need and potential for a statewide plan with an urban priority is demonstrated by the following data. Except for Title I, all major federal education programs operate through state plans that allow the states considerable latitude in distribution of the federal bloc grant within the state. The state plan establishes priorities for types of school districts within the state. In a 1965 self-survey by state departments of education, only ten states claimed to have even a partially developed study and planning capacity. Since 1965, out of their total funds, both state and federal, the state departments have been using only four percent for "study, planning, developing, and evaluating State education programs." According to the 1968 Federal Advisory Council on State Departments, "there is no evidence that it provides for comprehensive planning to any significant degree." [28] Consequently, no urban priority could have possibly emerged applicable to all the various federal categorical state plan programs. State plan priorities must depend on political influence or the professional viewpoints of state administrators.

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The following charts demonstrate the low priority city school needs are receiving under federally supported state plan programs (Title II ESEA, Title III NDEA, and Vocational Education) as compared to the city's share of state enrollment and disadvantaged children.

TABLE 1.—THE EFFECT OF DIFFERING PLANS OF FUND DISTRIBUTION IN PROVIDING FEDERAL AID TO LARGE-CITY SCHOOL DISTRICTS

[Proportional with each district's low-income student enrollment]

Federal grant type	Fund distribution plan	Number of cities where percentage of Federal funds allocated is below or above the percentage of the State's low-income student enrolled in city schools				
		More than 10 percent below	0 to 10 percent below	0 to 10 percent above	More than 10 percent above	Total
Vocational education	State plan	20	2	0	2	24
NDEA title III	do	18	1	3	2	24
ESEA title II	do	18	1	0	5	24
ESEA title III	Federal-local plan	14	0	0	10	24
ESEA title I	Direct-formula plan	1	14	6	3	24

Source: Data supplied by the U.S. Office of Education for the 24 largest cities in the United States, fiscal year 1967.

TABLE 2.—THE EFFECT OF DIFFERING PLANS OF FUND DISTRIBUTION IN PROVIDING FEDERAL AID TO LARGE-CITY SCHOOL DISTRICTS

[Proportional with each district's total student enrollment]

Federal grant type	Fund distribution plan	Number of cities where percentage of Federal funds allocated is below or above the percentage of the State's total pupil population enrolled in city schools				
		More than 10 percent below	0 to 10 percent below	0 to 10 percent above	More than 10 percent above	Total
Vocational education	State plan	15	3	2	4	24
NDEA title III	do	15	3	1	5	24
ESEA title II	do	15	3	0	6	24
ESEA title III	Federal-local plan	10	2	0	12	24
ESEA title I	Direct-formula plan	7	0	1	16	24

Source: Data supplied by the U.S. Office of Education for the 24 largest cities in the United States, fiscal year 1967.

In all respects, these three state plan programs provide substantially less funds for urban areas than the cities share of enrollment and poverty children. Title I of ESEA is distributed directly to the cities based on the number of children from families with incomes of less than $3,000 or on welfare. Consequently Title I is not a bloc grant to the state that is distributed under a state devised plan. In all but three of the twenty-four largest cities, Title I provides enough funds to reflect the big city share of statewide poverty enrollment. Title I also performs well on the statewide enrollment index except in the South where the formula is allowing for the high concentrations of poverty in rural areas. Indeed, five of the seven cities where Title I is providing substantially less than the cities percent of statewide enrollment are in the South.

ESEA Title III grants in fiscal year 1967 were approved at the federal level with state "advice." This federal-local program performed either very poorly or very well from the urban viewpoint. In short, the charts illustrate the inability of state plan programs to adjust state priorities to channel federal bloc grants to the cities. The poor performance of state plan programs with respect to the cities' large share of disadvantaged children is especially noteworthy.

Statewide comprehensive planning is still in its infancy. While there seems to be a broader acceptance at the state level, the Federal government has cut back its funds earmarked for state planning and evaluation.[29] Oddly enough this

Footnotes at end of article.

occurred at the precise time that special revenue sharing proposes to give the states much more flexibility by removing many categorical strings. Moreover, OE pushed for state planning standards and requirements in special revenue sharing but this was vetoed at the White House. Consequently, special revenue sharing will give the states more discretion but provide less impetus for handling that discretion through sound state planning and evaluation. Texas has attempted comprehensive planning but the TEA administrators claim they only have a "pancake application." The various categories are applied for separately by the LEA's and then stapled together in a supposedly "comprehensive LEA application."

A Final Note on USOE and Categorical Aid Administration

The strengths and weaknesses of USOE has been a recurring point throughout this paper. A more aggressive USOE role in grants administration really started after the passage of the 1965 Act. Consequently, USOE is still evolving in terms of its role, influence, and stance. The agency was decimated of top staff during Commissioner Allen's tenure. It was not unusual for a GS-13 to have no one but acting administrators between his job and the U.S. Commissioner. Consequently, the quality of personnel improved rapidly from 1964 to 1968 and then was badly eroded from 1968–1970. Commissioner Marland has built this staff up again, but it is still in a shake-down and reorganization period.

The proposed Emergency School Assistance Program will be the largest categorical grant USOE has administered on a direct federal-local basis. ESAP is projected to have 700 employees compared to the 95 in Title I ESEA. The pending ESAP program raises again the issue of regionalization of USOE. Should all those 700 operate out of Washington or should thousands of individual project decisions be made by officials in regions?

To date regionalization has progressed in fits and starts with wholesale periodic retreats. The scenario is always the same. USOE (often prodded by HEW and OBM) decides to regionalize and sends a number of employees to the field. The Big Six education lobby group protests strenuously fearing that regionalization will encroach on state/local prerogatives and influence. Their protest focuses on the Appropriations Committees which threaten or implement budget cuts. USOE retreats on further regionalization and pulls some employees back to D.C. Administrators left in the field have little to do and are effectively banished from key policy decisions. Consequently, OE does not have an effective field structure, indeed, even communications to the regions are so poor that regional people frequently are not informed of major policy shifts. We will return to this regionalization issue at the end of the paper.

Education lobby groups have contended OE suffers from its submerged position in HEW. The U.S. Commissioner is a lower ranking official than the head of the National Science Foundation (with about 1/10 of the budget). Consequently, the entire USOE grade structure is depressed compared to NSF and administrative super-grade scarce. Moreover, key education programs are not under OE including Headstart in HEW and Adult Education in the Department of Labor. A Cabinet level position would be able to bring some of these diverse programs under one agency. USOE lacks the status to be a coordinator and an HEW-Federal-Inter Agency Task Force has been notable for its lack of progress.

A recurring USOE problem is that the reformers involved in the development and passage of categorical programs for the most part are never involved in their subsequent implementation. They move on to the development and passage of *additional* legislation, while federal administration is turned over to the lower levels of USOE. On the other hand, the administrative staff plays only a slight role in the development of the legislation, so it is not surprising a lot of substance is lost in the transfer of responsibility.

These USOE program administrators complain bitterly that high civil service grades and job slots are constantly being pulled up to the supervisory/coordinating level. As recently as January 1970, there were only thirty professionals working on all facets of Title I—technical assistance, accounting, program support. Moreover, there were only three Title I ESEA area desk officers responsible for contacts with the states. The one dealing with Massachusetts, for example, had responsibility for twenty-three other states and the territories.[30] In addition to his Title I responsibilities, he spent approximately two thirds of his time working on other projects at the Bureau level having practically nothing to do with Title I. The desk officer had no assistants and spent a substantial part of his time drafting replies to Congressional mail. He felt that he could use at least four assistants to provide adequate technical assistance to the states.

Footnotes at end of article.

Categorical programs presumably require more USOE technical assistance (TA) capability than general aid. Although there has been a recurring concern at OE about the agencies' TA capacity, it reamins an underdeveloped area. In many federal agencies TA is handled by the regional officers who have close working relationships with state and local practitioners, and a knowledge of special local conditions. No such regional capability has ever evolved at USOE. At the same time, Washington based OE personnel are so tied down in project approval and other central Administrative chores that TA has been infrequent and brief. TA by USOE also runs counter to the SEA's view that they are the proper focus of such activity. SEA's have resisted, for instance, the strengthening of USOE's field structure largely for this reason.

The difficulties of evaluating federal education programs deserves a special paper. In the main USOE has not been able to get accurate evaluations. Our concern is to point out the heavy reliance USOE must place on unsupervised outside evaluation contractors (such as SRI and ETS). An Urban Institute study recommended:

> As a rule of thumb, agency level and operating program-level evaluation studies will require one in-house evaluation staff member (GS-13 to GS-15) for every two-to-four studies (or $500,000) worth of studies underway.

USOE has never come close to this number of monitors of non-government evaluation contractors. This is a particular cause for concern when one considers most education evaluators in the contracting firms often have had little experience in education issues. These firms are primarily DOD, Space, or "systems analysis" specialists. A recent GAO study asserted of $9.1 million in evaluation contracts they audited over $7.5 million may have been wasted. GAO recommended tighter control over contract awards and enhanced USOE monitoring. [31]

Congress and Education of the Disadvantaged

The focus on education of the disadvantaged in the mid-sixties was not a Congressional response to public pressure. Unlike the great national programs passed during the New Deal, there was no public demand jor categorical aid targeted to disadvantaged youth. For instance, the poor were unorganized and had made no specific demands for Title I ESEA. At the time of Title I's passage only three states had passed legislation specifically geared to disadvantaged children and these consisted of small pilot programs. Congressmen and professional educators accepted the poverty theme as a necessary vehicle for breaking the logjam on federal aid legislation. But they viewed it as a necessary step toward the ultimate objective of general aid. The Congressional objective was a law, not reform.

This legislative history has resulted in ambivalence during Congressional oversight. The main focus has been on reworking the allocation formula so the pie is divided in closer congruence with the wishes of the most influential legislators. SEA officials who hold up funds for low quality LEA proposals for Title I or vocational education have been subjected to complaints from Congress. Efforts to bring about comparability and parent participation in Title I were watered down by Congress. Congress wants to get all the federal money spent so no district will have to return some to the Treasury.

On the other hand, Congressional liberals have pushed for better evaluation data and more public information on Title I projects. For instance, Congress supported earmarks and planning procedures in vocational education designed to enhance participation by the disadvantaged. Congress has defeated several attempts to consolidate programs into bloc grants that opponents charge would blur the focus on the disadvantaged.

A review of the Congressional hearings and actions, however, indicates more Congressional concern with the formulas and factors in distributing the money than standards to insure high quality LEA projects for the disadvantaged. This is the natural political instinct, but it tends to undermine the authority of aggressive USOE and SEA administrators. When a choice must be made, Congress leans heavily toward Federal aid to education as support for local schools (and tax reduction), rather than a targeted effort for the disadvantaged.

IV. FEDERAL CATEGORICAL AID: A TITLE BY TITLE ANALYSIS

The Select Committee has already published a study by the Syracuse University Corporation (SURC) showing "who benefits" in the aggregate from Federal Aid. This section will consider each title in light of this SURC data concerning the extent federal aid reaches disadvantaged children and meets their special needs.

Footnotes at end of article.

We will *not* attempt comprehensive evaluations of each of these complex titles. Rather, our purpose is to demonstrate and elaborate the general points made earlier.

Title I: ESEA

Title I is the largest federal aid program ($1.5 billion) and is targeted to disadvantaged youth. The political disputes over concentration and comparability demonstrate the general problem of categorical aid.

The 1965 original draft guidelines underlined USOE's concern that if Title I was to have any impact, the money could not be spread thin. The provision in USOE's draft guidelines stated the number of students served could be no greater than the number of children in the district counted under the Title I poverty formula. This would result in an average expenditure of one-half the state average expenditure (about $350 per pupil based on 1970 figures). This guideline led to a barrage of interest group and Congressional pressure that resulted in an all out broadening of SEA and LEA discretion on the targeting issue.[32]

The Senate Labor and Public Welfare Committee incorporated in the 1965 Committee report on ESEA a specific constraint on the U.S. Commissioner, "The Senate report now acts to restrain the Commissioner from adding criteria beyond those written in the law." Keppel felt the concentration guidelines violated this Congressionl constraint and SEA and LEA school administrators were quick to remind him of this. After a discussion in Hawaii of the 1965 USOE draft guidelines containing the above concentration language the CSSO's resolved:

> . . . We call upon the U.S. Commissioner of Education and all federal officials dealing with state departments of education to curtail federal discretion to that necessary under the laws . . . Federal administrative power of approval or disapproval should not be used to induce state departments to act or to refrain from matters not legally relevant to the matter under consideration for possible approval by the federal officials.

The CSSO's pointed out there was no concentration criteria in the act that was as specific as USOE's draft proposal. Keppel ordered the concentration provision removed from the Title I guidelines. This initial defeat set the pattern for determination of future standards.

USOE tried to reinstate the concentration standard in 1967 stating:

> The investment per child on an annual basis program . . . should be expected to equal about one-half the expenditure per child from State and local funds for the applicant's regular school program.

Under Congressional pressure the new standard was rendered impotent within ten days. USOE tried again in 1968 but political pressure stopped the staff draft before Commissioner Howe signed the Division of Compensatory Education's concentration standard. A hasty statement was substituted to "plan the program so that by 1970 the average Title I expenditure per child in high priority areas is raised to a significant level." Nowhere in the memo is "significant level" discussed or defined. Meanwhile, dollar expenditures per Title I child are probably decreasing each year, and 30% of the students participating in 1968 were not disadvantaged, while millions of eligible students went unaided.[33]

This overall perspective, however, obscures wide variations in SEA policies. California instituted the OE concentration standard of Title I support equal to ½ the expenditure per child from state and local funds in 1966. California also required comprehensive programs which mandated such components as in-service training for teachers and parent advisory councils in every local program. On the other hand, Texas failed to even send out the USOE program memorandum explaining the concentration and program design approval criteria to its LEA's until the Texas SEA became aware of federal suits in nearby Mississippi for violations of federal Title I regulations.[34] By contrast, California has mandated program priorities on elementary school basic skills. Such a requirement is so alien to the Texas tradition, that Texas Education Title I evaluators stated:

> We do not feel that we are in any position to dictate particular methodologies to schools . . . We don't collect evaluation data on program strategy any more. If the program administrators in TEA are not interested in what reading programs are effective, then why should we collect that kind of information.

In short, state administration varies along a wide range—from states who will have more stringent requirements and better technical assistance than the federal political pattern permits, to states who are inhibited by the "religion of localism" to minimal program standards and nominal compliance with USOE program guides.

Footnotes at end of article.

In view of California's administrative performance some analysis of the political structure that facilitated the desirable policy outcomes is needed. California's Title I chief had unusual political power base to uphold his stringent administrative policies. State legislative leaders viewed State Superintendent Rafferty as a political rival who did not share their viewpoint on educational policy. So they created an eleven member Advisory Commission, including four legislators. The Advisory Commission appointed a chief administrator who reported directly to it and the State Board bypassing the State Superintendent of Public Instruction (Rafferty) in the chain of administrative control. The Advisory Commission and the legislators wanted to insure that federal and state compensatory programs were not "absorbed and lost" in the California SDE.

Wilson Riles, the State Director of Compensatory Education, had a significant influence on appointments to the Advisory Commission who then approved his decisions. In large part he owed his appointment to Senator MacAteer, the sponsor of the Advisory Commission bill to remove control of compensatory education from the State Superintendent. Local districts appealed Riles' decisions to this Advisory Commission, but were overruled unanimously on their pleas to dilute Title I money. Rafferty decided to remain aloof from Title I administration and let Riles accommodate the dominant mood in the state legislature for quality Title I programs.

Multiple Objectives

The inclusion of numerous different and sometimes conflicting policy objectives in Title I assisted speedy Congressional passage. It also has led to unfulfilled expectation and erosion of public support for such categorical aid. The diverse objectives embodied in Title I reflect the array of interests and decentralized power centers in the American policy: (1) a politically viable bill that would establish a precedent for large scale federal aid as a necessary prelude for a shift to general aid, (2) educational reform through priority to the disadvantaged, (3) speeding the pace of school desegregation, (4) strengthening the capacity of SEA's, (5) meeting health and welfare needs of poor children, (6) increases in educational attainment and reduction of dropouts. The interested parties in the evaluation stage after Title I was implemented could not be expected to agree on the ordering of priorities in their evaluative conclusions. Moreover, new and additional priorities were bound to emerge as the funds had an impact at the local level. In effect, while much of the criticism of Title I has included "evaluations" of Title I's performance, evaluators' perspectives and criteria were influenced by their particular ranking of the different policy objectives enumerated above.

It is true that the pupil achievement results on Title I are at best unknown and at worst very discouraging. But to evaluate whether a program that reaches 9 million children "works" on the *single dimension* of achievement test scores is to ignore the multitude of other political objectives embedded in Title I. Title I's defenders point to such positive outcomes as the fiscal equalization impact of Title I funds and the concern it has generated among educators all over the nation for the previously neglected disadvantaged child. Others have contended Title I funds were intended to be "a sugar solvent" to help ease acceptance by the South of black children rather than forsake the federal financial windfall. In effect, Title I held out so many different aspirations to so many different constituencies that inevitably several of these aspirations were never met. Perhaps multiple objectives in large-scale federal programs is a formula for insuring no single objective will be substantially accomplished. The recent agitation by the National Welfare Rights Organization for a Title I clothing allowance reflects their view that the child welfare objectives of Title I have been slighted by education administrators. In short, Title I funds are spread over too many objectives. Not enough funds are available to satisfy each of the objectives which leads to pressures for reallocation, and the lack of satisfactory fulfillment of *any* objective.

This small program never reached slightly more than $100 million but it is an interesting test case of the flexible state plan method of categorical aid. A primary political motive for Title II was its potential for channeling funds to private schools. Indeed, Title II ESEA was never viewed by its 1965 legislative framers as a target program for the disadvantaged. Nevertheless, a "need" orientation was inserted in the Act through a provision requiring the State plan to:

> Take into consideration the relative need of the children and teachers of the State for such library resources, textbooks, or other instructional materials.

USOE did not define "relative need" and the "take into consideration" language left the ultimate decision in State's hands. During the first two years of the 1965 Act USOE paid little attention to how the States were defining relative need. California, for example, allocated Title II money on the basis of Average Daily Attendance and assessed valuation. This formula is not an accurate indicator of need as Kelly and Berke point out in their paper for this Committee. In 1968, USOE requested California to tighten up "relative need" and the formula includes three factors:

$$\frac{\text{State Average Assessed Valuation per ADA}}{\text{District Assessed Valuation per ADA}}$$

$$\frac{\text{District Tax Rate}}{\text{State Median Tax Rate}}$$

$$\frac{\text{State Book Average per ADA}}{\text{District Book Average per ADA}}$$

While these factors seem reasonable "need" factors given the multiple objectives of Title II, wealthy white suburban districts in the Bay Area display more "need" under this California formula than heavily black Oakland.[35]

The legislative history of Title II reveals several conflicting definitions of "relative need". The legislative intent indicates rapidly growing white suburban districts may have the greatest need because their libraries are not yet stocked with a large number of books. Such a perspective overlooks innercity libraries which may have numerous books but their contents may be outdated and irrelevant for a newly arrived black population. Such decisions on "need" call for subjective judgments by literature experts which cannot be incorporated into a statewide financial distribution formula. An objective of Title II was to reorient local priorities so that they favored more library books and instructional materials irregardless of whether the LEA was wealthy or poor. Moreover, the private schools were a prime target for funds and they usually do not enroll as large a number of disadvantaged pupils as public schools.

New York State defines Title II "need" through four criteria that may conflict with each other:

(1) large urban centers with critical education needs related to economic and educational deprivation;

(2) school districts with critical educational needs created by severe financial need;

(3) school districts with critical shortages of school library resources;

(4) school districts with student enrollments large enough to insure a full scope of educational programs.

Again, we see the issue of multiple objectives in a federal program deflecting concentration of limited resources on the disadvantaged.

Vocational Education and Federal Aid

Federal involvement in vocational education began in 1917. It has never been oriented primarily to the disadvantaged—the legislative history indicates the goals of the program were directed to training in seven occupational categories with a minimum of federal direction or involvement. The 1963 Act was the first basic reconsideration since 1917. A Panel of Consultants reported prior to 1963 Act that low enrollments in urban centers were especially disturbing. As Mangum stressed "Little was being done to serve youths whose socioeconomic or academic handicaps made it difficult for them to profit from regular programs. Vocational education was neither retraining potential dropouts nor preparing them for employment." [36]

Although the VEA Act of 1963 was supposedly to correct the above problem, the federal-state reporting system on whether any objectives were being met was grossly inadequate. No significant changes were made in the reporting forms in 1964. Though the 1963 Act's philosophy was to refocus efforts on people rather than occupational groups, there are no demographic characteristics reported beyond the sex of the students. In a day of concern with racial discrimination and poverty, data on age, race, education, and family income were not collected. Though groups with special needs were to receive special treatment, there are no data to identify them nor to describe the content of courses allegedly designed for them. Consequently, assessments of the 1963 Act and of the 1968 Act at this point depend upon limited fragmentary official data, partial studies by various researchers, and personal observation and judgment.

Footnotes at end of article.

One of these researchers, Garth Mangum, concluded with respect to the 1963 Act:

> Expenditures have increased, but the expansion has been largely in the old occupational categories except for the addition of a new category of office occupations. Vocational education is not yet adequately responsive to the needs of the labor market, little recognition has been given to new occupations, few innovative programs are underway, and there is little coordination between general and vocational education.[37]

As an obstacle to change Mangum highlights the lack of national leadership by USOE:

> The agency has a long history of providing matching funds without prescribing objectives, establishing substantial guidelines, or evaluating state and local accomplishment.[38]

While VEA Act of 1963 directed changing emphasis from occupational categories to groups of people, most states continued organization around the traditional categories. The state plan was a misnomer. It remains today merely a legal agreement by the states to comply with federal laws in the use of the federal funds. Mangum concluded that no state plan with its accompanying projected activities has been disapproved, and there was little evidence that they are seriously studied by USOE. Given this lack of public or administrative pressure the disadvantaged continued to be left out in 1968 by the traditional delivery system:

> Another state arbitrarily reported ten percent of its secondary students as being in the special needs category without creating any special needs courses. A technical school in another state reacted that it had spent years building an image with employers and was not going to risk that image by enrolling less than the best. In another case, the State Director of Vocational Education arbitrarily announced that he would allocate no funds to post-secondary training.[39]

The U.S. Senate Committee on Labor and Public Welfare concluded only 1% of the federal funds were spent on special needs students (handicapped and disadvantaged) from 1963 to 1968.

The 1968 Act attempted to legislate a change in administrative behavior with, at best, mixed results. Fifteen percent of the funds were earmarked for the disadvantaged. States have responded by setting the 15% aside and handling them as individual projects through statewide competition. The quality control is in the hands of the same state voc ed administrators who have been indifferent to the disadvantaged as revealed by the 1963 Acts evaluations. In Texas, the projects for the disadvantaged are sent directly to the Deputy Administrator who has been with TEA since the 1940's.[40] The project application is skimpy and superficial to say the least. The outline below is sent out to interested LEA's:

1. *Population to be served.*—The population should be identified as to the grade level, the numbers, the ethnic, and the socio-economic factors of the target group.
2. *Identification of the Disadvantaged Area.*—Indicate the schools which will be involved and the disadvanted area each school serves. If the project involves a middle school, please identify it.
3. *Description of Activities.*—This part tells what is to be done, when, and how. The program and/or services to be performed and the facilities needed for each program should be included.
    a. If upgrading of facilities is a part of the project, the following information must be included:
        1. Floor plan of existing facility;
        2. Proposed renovation and floor plan;
        3. Date facility was constructed;
        4. Estimated cost of renovation.
    b. If upgrading of equipment for special projects for the disadvantaged is included, an itemized equipment list should be included.
4. *A tentative time schedule for the project.*
5. *Estimated budget.*
6. *Other information as appropriate.*

The 1971 Texas state plan for the unearmarked money employs some revealing language with respect to the various priorities in the federal act. The customary phrases are "due consideration" or "special consideration." For instance—

> Special consideration will be given to the approval and financing of programs and services in those areas within a school district, variously described as ghettos.

Footnotes at end of article.

The 1968 Act contains provisions encouraging better manpower surveys so that voc ed programs are congruent with "current and projected manpower need and job opportunities." State voc ed administrators assert the data from the State Employment Services and State Labor Departments is not very well suited to their needs. Consequently, Labor Market Surveys in Texas are conducted by the Voc Ed Administrators. A Texas Governors Committee on Public Education studied these surveys and concluded:

> Using the Texas Employment Commission Research Director's definition, "only 29 of the 79 surveys applied to a labor market area." Fifty of the surveys concerned only a small-to-medium sized community and took no notice of job opportunities outside the district making the survey. Many of these districts are in communities with a static or declining population; yet surveys take no account of out-migration trends or follow-up records of former students. They make no mention of redirecting existing programs from areas with declining job opportunities in the local community. Of the 79 surveys examined, only two indicated collaboration by two or more school districts, although the surveys are intended to justify "area" vocational schools . . . They contain no estimates of the number of out-of-school youth or persons with special needs who must be eligible for federal programs.[41]

These Texas manpower surveys have been done by amateurs (usually with the help of the chamber of commerce or a civic club) who interview local business firms about anticipated job opportunities. The Governor's Committee stressed "the basic fallacy" of designing localized educational programs to fit local needs in an area of rapid metropolitan growth, rural decline, and high population mobility. A 1968 university based study of 250 high school sophomore boys (100 white and 150 black) in three rural East Texas counties revealed that:

> 61 percent of the Negro and 12% of the white boys expected to live in a large city;
>
> 35% of the Negro and 73% of the white boys expected to live in the suburbs of a city.[42]

The Governor's Committee found substantial labor shortages, particularly at the skilled level, in the rapidly growing Houston and Dallas areas. Yet they estimated no more than 60,000 in 1966—or less than 1 in 10 attending high school in all of Texas—were taking vocational education courses which might help them to obtain a job in an urban environment.

A more basic problem is that the funds not earmarked for the "special needs" categories are alloted in many states under the same old formulas that discriminate against the central city poor. Again, we do not have information on all the states, but the writer has just finished an intensive two state case analysis. The figures show both Texas and California have not changed significantly their basic distribution formulas because of the 1968 Act. California now uses an allocation formula instead of the individual project application required from 1963–1968. But the formula is designed to insure the same LEA's get about the same amounts they were receiving before the 1968 Act. Texas merges its federal voc ed money with its basic state aid formula that is now the subject of several court suits because of its discriminatory effect on low income people and poor school districts.[43]

Emergency School Assistance Program

Experience under the first year of ESAP demonstrates the same errors of omission and commission in Title I are being repeated again. Reading the reports on ESAP gives one with Title I experience the feeling he has seen it all before.[44] Very little has changed in the political underpinnings of the present distribution systems. This paper will not discuss desegregation aspects of ESAP but will focus on program design and implementation.

As in the first year of Title I, ESAP grants had to be disbursed without adequate planning or lead time. Local grants were approved without sufficient USOE review or documentation. GAO stressed the weaknesses in HEW procedures were due "to a large degree, to HEW's policy of emphasizing the emergency nature of ESAP and to its desire for expeditious funding at the expense of . . . the adequacy of described program activities in satisfying ESAP requirements." ESAP grants were made by USOE regional offices which we stressed earlier were inadequately staffed and have never been built up. The lack of lead time in federal education programs has always been the main complaint of SEA and LEA administrators.

Whatever the reasons, ESAP makes one dubious that a crucial difference in federal education administration would be to have USOE assume state prerogatives.

Footnotes at end of article.

Indeed USOE did not do any better than the worst SEA's in Title I. One can assert that the Nixon Administration had undermined a tough federal enforcement policy and USOE might be capable of better performance. But the question is certainly open.

It is particularly disturbing that USOE did not require high standards on the educational design components (teacher training, textbooks, curriculum, and comprehensiveness). While an Administration's integration posture is determined at higher levels than USOE, this should not extend in large part to the above instructional components. The National Advisory Council on Education of Disadvantaged Children concluded in 1966:

> For the most part, however, Title I projects are piecemeal fragmented efforts at remediation or vaguely directed "enrichment." It is extremely rare to find strategically planned, comprehensive programs for change based on four essential needs: adapting academic content to the special problems of disadvantaged children, improved inservice training of teachers, attention to nutrition and other health needs, and involvement of parents and community agencies in planning and assistance to school programs.

In 1970 the NAACP and other groups concluded about ESAP:

> The Title IV Office (USOE) has abandoned the mandate of the Regulations, under with the decision whether, and to what extent, a district funded was to have been based on the promise the district's proposal showed of dealing comprehensively and effectively with special problems of desegregation . . . First, some proposals which did include a comprehensive treatment of desegregation were severely cut, apparently because the districts were not large enough to warrant grants of the size needed. On the other hand, a large number of very small grants were made—grants too small to deal comprehensively with the problems of the district.

The Title I Advisory Council found in 1967 that teacher aides were being used for the most menial of tasks and teachers were not trained to use the aides. The NAACP survey found more money spent on teacher aides and teacher training than for any other single purpose. Frequently, the NAACP asserted no effort was made to tie the need for aides to desegregation. For instance, ESAP aides were hired to keep libraries open. In short, both ESAP and Title I funds are frequently not directed to the "special education needs of the children" and both Acts funded numerous fragmented efforts. As the discussion of multipocketed budgeting revealed, LEA's are able to divert federal funds to match *their priorities* which are usually not congruent with the federal legislation. Federal funds become a small piece of the total funds in an ongoing local educational-political system. The use of the federal funds is more likely to reflect the dominant viewpoint in that local political system than the intent of the federal statute. Professor Wirt's paper elaborates on this problem.

Education Professions Development Act and Teacher Training in Title I

A recent report by the National Advisory Commission on Education Professions Development is critical of the quality of policy formulation as it relates to the Federal government's efforts in training and development of educational personnel.[45] Specifically, (1) on some important policy issues there are no policy positions indicating the position of the agency; and (2) policy statements that do exist tend not to be informing, not to be based on any systematic analysis of the issues. Part I of the report stresses the need for "policies of effective means" (policies which indicate actions to be taken to achieve the broad goals outlined in other higher level policy statements).

These policy statements are especially necessary so that those public in non-Federal levels can engage in sound planning to meet those goals articulated by the Federal government. Such policy statements help ensure stability of action as well as sensitive, effective evaluation of those actions. The Council recommended there be adequate personnel for programs to engage in policy formulation rather than just program administration (which is usually a more pressing activity). Policy is defined as "simply a declaration which will clearly communicate the ends and means intended in a given effort, and the rationale by which the ends and means were determined."

The Advisory Council's viewpoint is an accurate assessment of one of the key problems of EPDA. There has been no operational strategy or ranking of objectives to ascertain if the program was making progress toward some ends. The Congress viewed EPDA largely as a manpower program to fill shortages and upgrade skills. USOE administrators stress the reform elements in EPDA in

Footnotes at end of article.

terms of local school operations and university training efforts. It has never been clear who the primary clients or target groups of EPDA were: teachers, disadvantaged kids, unskilled poor people, institutions of higher education, or administrators. In its brief history since 1967 EPDA has tried to impact each of these groups without any consistent or sustained focus. In the first year 89% of the EPDA funds went to universities and 11% to LEA's. Since then the universities have been cut way back and the LEA's now receive a larger share than universities. The NSF institutes for science and math teachers operated at a level of 5.0 million for several years and reached a very large number of the total teaching force. EPDA has changed from one emphasis to another every year or so with little impact on the total target group.

One thing EPDA has never attempted is to be the teacher training arm for other federal aid programs such as Title I or vocational education. Unfortunately, the efforts at teacher involvement and inservice experiences under Title I have not been adequate either. The attitudes and skills of teachers are crucial in improving the education of disadvantaged children. When teachers' attitudes for whatever reason are unsympathetic, negative, or discouraged, changing them is a most difficult task. If no more were required than an expanded number of workshops, and inservice seminars, the road to change would be relatively easy. Teachers reflect the attitudes of society. Society applies value judgments of "good" and "bad" to such common aspects of child behavior as use of language, cleanliness, orderliness, management of time, diligence in lessons, and homework.

The structure of our educational system often inhibits internal efforts toward teacher improvement. The teacher usually practices in the hallowed privacy of a classroom. Rarely, does one teacher see another work. Exceptionally talented teachers exist in almost every school but they are separated from the teacher in the next room by an impenetrable wall of professional isolationism.

In 1967 the National Advisory Council on the Education of Disadvantaged Children conducted nationwide observation of Title I programs. Three out of four of the Title I programs examined had an inservice training component. However, the Council concluded:

> But most training programs were regarded by the consultant-observers as being too short and too limited in content to be highly effective. Most were held during the regular school year, and took place during a couple of hours after school each day, lasting for less than 10 days. The most frequent emphasis in training was on techniques for teaching remedial classes. A few programs, however, included sensitivity training, involving group dynamics and attempts to make teachers more aware of their own feelings as a way of heightening their sensitivity to the feelings of children. These few programs, when they included practical work with children, seemed to have produced striking results.[46]

In short, we have no evidence federal aid has caused much change in teacher classroom behavior nor has it been designed well to accomplish this essential objective.

The linking of teachers and parents also did not occur through internal school pressures. In 1967 the Council reported:

> . . . One area of almost no apparent progress is the one in which some progress might have produced the most dramatic results of all: parent involvement in the child's learning . . . Of the 116 programs observed by the Council's consultants, only two gave evidence of any attempt to involve parents as reinforcing agents in their children's learning not only to read, but also to enjoy reading.[47]

It is possible (but not probable) that the new Title I parent advisory councils have changed this situation. Again, one is attempting to use federal regulations to enforce a process that runs counter to the professional educator's reflex.

New Directions for Federal Categorical Programs

The analysis to this point has not been encouraging concerning federal categorical administrative performance. But the conclusions do not lead us to a "no strings" bloc grant remedy. As we have seen, the political reflex of the state and local levels is not toward special programs for the disadvantaged. Indeed the traditional political currents usually run in the opposite direction. The California case is a good example, however, of state political circumstances that allow an aggressive administrator to go beyond the "lowest common dominator" embodied in federal standards. In short, the solution does not seem to be "more of the

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same" in terms of the categorical approach of the mid sixties. Nor does it seem to be bloc grants if the policy focus is on disadvantaged children. Bloc grants with incentives might be useful if the primary objective is to prop up the sinking financial structure of public education. These general finance issues are treated by other Committee research papers (Kelly and Berke).

The implementation strategy of federal aid through USOE from 1958 on was essentially top-down. Federal and state standards and guidelines were to insure LEA's responded to categorical priorities. The negotiations were conducted among professional administrators at the three levels with little involvement of parents, teacher organizations, students, and community agencies. Usually school boards were left only to ratify administration initiatives. This USOE procedure contrasts sharply with Model Cities, CAP, and Department of Labor Programs that operate federal-local, and frequently include considerable involvement by parents and community agencies that exerts pressure from the bottom-up.

Perhaps some very interesting comparisons in administrative effectiveness could be made between the USOE mode and education components in Model Cities—Department of Labor programs. Committee hearings could address such issues as (1) Are the Model Cities—Department of Labor components concentrated and targeted better to the disadvantaged than comparable USOE projects? (2) Are the Model Cities—Department of Labor programs better designed in terms of teacher training, curriculum, and educational process variables? (3) Does the supposedly enhanced parent involvement in Model Cities—CAP programs lead to more effective over-sight of school professionals? The writer does not know of any studies that have been conducted in this fashion, but it could be explored through the Select Committee's hearings. The more effective legal provisions would then be isolated and perhaps included in future federal education legislation.

This paper demonstrates, however, that top-down strategy of regulations and guidelines contains neither the *sanctions* or *incentives* sufficient to accomplish the legislative framers' categorical purposes. The ultimate sanctions of USOE and the SEA's are the blunt tool of freezing or recovery of funds that inevitably meets stiff political resistance. Indeed this local resistance has been so strong, and the USOE—SEA bureaucratic power so weak, that questionable funds have been released. Sometimes the release of funds is accompanied by a promise to improve future administrative procedures.

As we have seen, there are very few professional or political incentives encouraging educators to aggressively enforce categorical restrictions favoring disadvantaged youth. Promotions and pay increases depend in greater measure on satisfying supporters of the traditional local priorities, which are usually not congruent with the new and *ever changing* federal categorical priorities. There is a large variance in state and local implementation (e.g., California versus Louisiana in Title I ESEA), but this lack of effective *incentives* and *sanctions* is an overall problem in categorical aid administration. When one considers the long road from Washington to a classroom in New Orleans this lack of incentives and sanctions is especially important!

In addition to the above problems federal categorical aid to the disadvantaged has been hampered by:

- inadequate planning or lead time;
- multiple objectives that lead to no coherent focus on the disadvantaged or other targets;
- uncoordinated, piecemeal categorical efforts that are spread all over the LEA's;
- limited federal and state manpower for monitoring and auditing;
- rapidly shifting priorities and personnel at the federal level;
- an uncertain fluctuating national commitment to the disadvantaged;
- multi-pocketed budgeting which obscures LEA accountability;
- inadequate preparation and training for teachers who are the ones in contact with children;
- lack of research and evaluation based on "what works" with the disadvantaged child;
- Congressional preference for disbursing money quickly over enforcing program standards.

Numerous examples of almost every problem or misappropriation in the above list is included in an NAACP study of Federal funds for Indian Children in public school districts. (*An Even Chance,* 1971)

Indeed it is somewhat surprising our efforts to date have had any substantial success! Every federal categorical program could be improved by Congressional pressure to improve the statute or administrative performance on each of the above general shortcomings.

But, specifically where do we go from here? This paper can only outline some general concepts and urge a detailed examination through Select Committee hearings. The writer will start with improvements in the top-down strategy, and then reverse the orientation and start from the students-parents through the LEA to federal agencies.

Sanctions and Incentives

It is necessary to enhance the federal government's sanctions. Persistent and widespread failure to comply with federal regulations should result in recovery of funds and bypassing of state governments. Educational administrators still remember Commissioner Keppel's inability to sustain his deferral of funds to Chicago in 1966. If federal funds have been recovered and deferred recently this should be highlighted in USOE and Congressional speeches and publicity to put local educators on notice. A high official in the Texas State Department told the writer Texas sent out the basic USOE Title I program guides *after* they saw Mississippi might have to repay Title I funds to the federal government. The Texas action to send out the program guides to the LEA's occurred in 1969 over a year after USOE sent them to the TEA.

An automatic "trigger" for recovery of funds could be written into federal legislation in place of the cumbersome appeal process and boiler-plate language in all USOE legislation. The "trigger" could be activated if audits showed a certain percent of a state's or LEA's funds had been misspent. As of now, USOE must go through a lengthy hearing process before any funds can be recovered.

A differential approach to state governments could supply another potent sanction. The Select Committee is in possession of a letter of January 20, 1971, from Commissioner Marland to the State Superintendent in Louisiana (William J. Dodd). It appears from the data in this letter that Louisiana state government does not have the staff or political support to implement a categorical priority for disadvantaged minority children. Federal legislation could include criteria for bypassing a State Department in Title I administration for a year or more similar to the procedure OEO uses for overriding a Governor's veto. A differential approach would permit USOE to work through the "good" states and bypass the "bad" ones for a period of time. This paper has highlighted the diverse structures and traditions of state government, e.g., strong State Superintendents and weak ones, merit systems and spoils systems, progressivism and standputtism. Yet the federal government now writes one series of regulations, embodying one set of relationships with all states alike. Consequently, they fit none precisely and cannot be adjusted for exceedingly good or poor implementation.

Sundquist conceptualizes this differential approach in a positive fashion:

> . . . Federal-state relations have to be converted from a *legal* concept, in which the states collectively negotiate in the legislative and administrative processes for rights and powers that all of them possess, to an *administrative* concept, in which the federal government exercises judgment as to how much reliance can be placed upon each state and reaches an individual understanding with that state governing federal-state administrative relationships. At present a state that raises its level of competence substantively above that of its sister states notices no difference in its treatment by the federal departments.[48]

Sundquist proposes no specific ways this positive differential response could be implemented for education, but this is certainly a prime area for Select Committee hearings.

The Sundquist proposal leads us to the potential of specific incentives. At present the main federal incentive is the state matching grant. The writer can see no improvement in program operation or results from recent state programs (such as Community Action) that have begun with a 100% federal contribution and subsequently shifted to a 90–10 or 80–20 ratio. It is unlikely that the benefit from state or local participation comes from its money; it is more likely the real contribution is from the administrative leadership, and classroom teaching qualities that bear no necessary relationship to ability or willingness to pay a share of program costs.

A local school system can be described as a system of incentives for its members. As James Coleman has pointed out the incentives teachers receive from school administrators are primarily negative incentives, not to cause organizational problems.[49] Such problems arise if the teacher cannot control the class, or if control is achieved at the cost of violating organizational rules or disturbing other classes.

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Incentives are only secondarily directed toward learning. One bureaucratic tendency shapes the general direction of incentives for school policy makers and administrators. As Coleman emphasizes:

> This is the equilibrating and self-maintaining character of bureaucratic organizations—what may be called the conservative tendency of such systems. For the primary interest of occupants of roles in a bureaucracy is self-maintenance. This interest is manifested in striving for structural stability—administrators giving incentives to subordinates not to disturb the functioning of the organization.

Federal categorical aid is channeled into this local bureaucratic incentive structure and is often intended to change local behavior to better meet national priorities. As we have seen in this paper, the incentives transmitted by the federal delivery system are often *too weak* to overcome this self-maintenance incentive of the local (and to a large extent state) school bureaucracies.

Can we design federal categorical aid so that it changes the direction of incentives and increases the pressure for bringing about greater educational attainment for disadvantaged children? Coleman cites such devices as performance information, interscholastic academic competition, vouchers, and open schools with parents able to choose among different educational approaches and philosophies. (Professor Wirt's "supplementary" concept is also relevant here). The incentive stems from the power of choice on the part of clients or customers who have reliable performance information about their local schools.

If we leave such things as vouchers aside for this paper, reversing the incentive flow would give USOE the authority to make grants to other than local public schools, to publicize information on Title I ESEA achievement locality by locality, and to reward successful Title I LEA's with additional Title I funds. At present, LEA's get the same amount of Title I funds year after year whether they are succeeding or failing. Select Committee hearings could explore the nature of such incentives, the payment rates, and how one can determine which school districts are "doing a good job." Decisions on this latter point have grave implications for the present USOE administrative structure. It is likely that a regional office would be better able to make decisions on "who is doing a good job" than employees in O.E. in Washington.

An Administrative System that Builds Parent, Teacher Pressure

There are several ways to construct an incentive system: from a superior in an authority structure (the Title I model as it relates to the federal government's money), through peer group pressure, or through increased client influence. The authority type of incentive system appears to engender more dissatisfaction, more collusion to deflect efforts from positive learning outcomes, and subversion of the incentives, than the latter two. For instance, rewards that are "arbitrarily" distributed from a higher position are resisted more by teachers. This leads to another unexplored issue—"Can we design categorical programs so that the growing influence of teacher organizations is directed toward some of the *same goals as federal categorical legislation*." The standard reflex of school reformers is to deplore the growing militancy of teacher organizations, not to work with them. Select Committee hearings could probe whether there is anything on the agendas of teacher unions that is congruent with the goals of desirable new categorical initiatives. If there is congruence, then peer group pressure and incentives among teachers might be more effective than federal-state regulations. Certainly, the peer group pressure in colleges toward certain type of research production has been an effective incentive on the assistant professor's performance. In effect, teachers might put on administrators to better enable teachers to fulfill their own objectives and concurrently those of federal programs.

A possible example of this concept is the teacher organization drive for more paraprofessionals. Federal aid directed to paraprofessionals would at least get someone else in the classroom—much of Title I was siphoned off before it reached the classroom. Moreover, someone else in the classroom causes a teacher to reconsider her traditional style and approach to teaching. In cities paraprofessionals will probably be unionized, and might be a force for reform in union policy. Paraprofessionals bring to the union a viewpoint of parents and surrounding minority communities.

In short, the best a considerable amount of federal aid can do is *give teachers the environment to change.* Stephen Bailey has suggested the federal government pay increased attention to what produces creative, joyous, and productive teachers. He proposes negotiating four day weeks with teachers. The fifth day would be

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spent away from the school building in "teacher centers" where teachers could attempt to find solutions to their problems. The traditional dependence of teachers upon the supercilious environment of the university campus would be obviated. Principals, superintendents, selected students, and parents would be invited to "teacher centers" for a variety of reasons to discuss a variety of common subjects and problems.

Is it possible teacher organizations could be an ally in enhancing consumer incentives for the public schools? A recent interview of Albert Shanker indicates support for alternatives *within* the *public* schools:

> . . . As long as we do not have scientific evidence that one particular way of doing something is better than another . . . there ought to be various alternatives within the school system. Parents who prefer a more rigid type of school system ought to be able to find it in the public schools, and parents who prefer a more progressive type ought to have it there, and there ought to be high schools where there is a good deal of independent study. (*Humanist*, July 1971)

As parents prefer one type of school over another they will be establishing a new incentive structure for personnel in those buildings who find their clientele drifting away. In sum, subcommittee hearings should explore how to reinforce NEA–AFT interests when it happens to coincide with the public interest.

Lay Involvement in Policy Making

This paper cannot attempt to analyze the burgeoning literature in parent and lay participation in school policy-making. Since this is being done elsewhere,[50] I will comment on school boards. Professor Wirt's paper has discussed the "closed system" and its implications for the school boards. If voucher plans are not politically feasible, some though should be given to strengthening school boards. It will be a long time before we have objective data on which to base many decisions. Consequently, we might attempt to strengthen the influence of *opinions other than the dominant professional viewpoint.* School boards have played a minimal role in the formulation, oversight, and evaluation of federal categorical programs. For instance, the President of the Washington, D.C. Schoolboard is a high official in USOE's Title I administration, yet she claims scant knowledge of what D.C. administrators have done with Title I funds. D.C. schools are now under investigation for violating federal requirements. We need to explore the federal role in strengthening the staff resources of school board members or entirely new models for governing education.

The "follow-through" program features planned variation in instructional models: would school boards be interested in planned variation in governance models? Although federal intervention in this area would have been unthinkable a decade ago, the situation is now so desperate that local attitudes may have changed. School boards are embarrassed by charges that they have violated federal laws concerning categorical programs. School board staff could be a more effective watchdog on what professional educators are doing with the federal money.

From the Congressional standpoint, it is frustrating to find how little leverage statutory provisions have on improving administrative delivery systems. Although "tightening up the statute" may give Senators a feeling of concrete results, you cannot legislate effective administrative performance in our decentralized educational system. There is no statutory substitute for committed administrative leadership and quality management. Congressional strategy must proceed from this perspective.

FOOTNOTES

1. James Sundquist, *Making Federalism Work* (Washington: Brookings, 1969).
2. Morton Grodzins (Daniel Elazar, ed.), *The American System* (Chicago: Rand McNally, 1966).
3. David Walker, "Response: Relevant Research Required," *Public Administration Review*, vol. 30, No. 3, May, 1970, p 269.
4. For a general treatment and bibliography in policy areas other than education see Morley Segal and A. Lee Fritchler, "Policy Making In the Intergovernmental System," paper presented at APSA meeting, 1970.
5. Many people would dispute the writer's opinion. For a review in this area see Marver H. Bernstein, *The Job of the Federal Executive* (Brookings, 1958).
6. See Frank Munger (editor), *American State Politics* (New York: Crowell, 1966).

7. Bayla F. White et. al., *Monitoring and Evaluation: A State Survey* (unpublished paper for the USOE Title I Task Force by the Urban Institute, Washington, D.C. 1970).
8. Ibid.
9. Marilyn Gittell, *Six Urban School Districts* (New York: Praeger, 1968).
10. The writer is indebted to Professor Frederick Wirt for this chart.
11. For a detailed critique of in-service training programs in Title I see the reports of the National Advisory Council on the Education of Disadvantaged Children 1966–1968.
12. Sundquist, op. cit.
13. For the particular problems of cities in federal aid see James Guthrie, "City Schools in a Federal Vise," *Education and Urban Society* (Feb., 1970).
14. For an analysis of these nonstatutory controls see Michael W. Kirst, *Government Without Passing Laws* (Chapel Hill: U.N.C. Press, 1969).
15. For instance, see letter of January 20, 1971 from Commissioner Marland to William J. Dodd, Superintendent of Public Education in Louisiana.
16. See Joel S. Berke, *Federal Aid to Education: Who Benefits*, reprinted by the Senate Select Committee on Equal Educational Opportunity.
17. The author coordinated a case analysis of six states with regard to federal aid administration. These studies are available through the Syracuse University Research Corporation.
18. David O. Porter et. al., "The Mobilization of Federal Aid By Local Schools: A Political and Economic Analysis," Report submitted to the Syracuse University Research Corporation.
19. Jerome Murphy, "Title I of ESEA," *Harvard Education Review*, Vol. 41, No. 1, Feb., 1971.
20. M. W. Kirst and Decker Walker, "An Analysis of Curriculum Policy Making," Review of Educational Research, Dec., 1971.
21. Murphy, op. cit., passim.
22. Raphael O. Nystrand, "High School Students As Policy Advocates," *Theory Into Practice*, Vol. VIII, October, 1969.
23. U.S. House of Representatives, *Needs of Elementary and Secondary Education For the Seventies*, 91st Congress: First Session, pp. 406–409.
24. Ibid., p. 29.
25. The writer was Associate Director of the Council and analyzed reports on this teacher involvement component from observers who visited 86 school districts in 43 states. Almost 30 percent of Title I expenditure occurred in counties observed by Council staff.
26. For specific comments on this see the reports of the National Advisory Council on Disadvantaged Children for January 31, 1967 and December 5, 1966.
27. This money is part of Title V ESEA (Sections 503 and 505).
28. U.S. Office of Education (1968) *Focus on the Future: Education in the States* (OE 23 050–68) Washington.
29. OMB eliminated the state planning funds for FY 1972 under Section 503 of Title V ESEA.
30. See Murphy, op. cit., p. 42.
31. Washington Star, August 18, 1971. GAO said it would be difficult to blame the private companies for performance, because the federal education office did not monitor its research contracts or establish quality standards.
32. The section on concentration is drawn from Murphy, op. cit., and Stephen Bailey and Edith Mosher, *ESEA: The Office of Education Administers A Law* (Syracuse: Syracuse University Press, 1968).
33. USOE has not released an annual report on Title I as required by Congress since the one based on 1967–68 data. Consequently, we simply have no solid current figures on per pupil expenditures for Title I participants or an analysis of concentration trends from 1965–71.
34. The writer is referring to Program Guide #44 sent by Commissioner Howe to the Chief State School Officer on March 18, 1968 and Program Guide #45-A sent on July 31, 1969 by Associate Commissioner Leon M. Lessinger.
35. For instance, Walnut Creeks, California a middle class Oakland suburb has a total need factor of 2.90 compared to Oakland's 2.56.
36. Garth L. Magnum, *Reorienting Vocational Education.* (Institute of Labor and Industrial Relations: University of Michigan, 1968)
37. Magnum, op. cit., p. 21.
38. Ibid.
39. Ibid.

40. See report by the author to Syracuse University Research Corporate titled *Federal Aid to Education in Texas.*
41. *Governors Committee on Public Education,* Volume IV, (Austin: Texas Agency, 1968), pp. 98–99.
42. Governors Committee on Public Education, op. cit.
43. The Texan formula employs an economic index and other criteria that especially discriminate against large cities.
44. ESAP comments drawn from Senate Select Committee on Equal Educational Opportunity Committee Print, *Emergency School Assistance Program: Background and Evaluation,* 92nd Congress, 1st Session.
45. National Advisory Council on Education Professions, *Windows to the Bureaucracy* (March, 1971).
46. National Advisory Council on the Education of Disadvantaged Children, *Annual Report* (January 31, 1968), p. 21.
47. Ibid., p. 22.
48. James Sundquist, op. cit., p. 271.
49. James S. Coleman, "New Models for School Incentives," in James W. Guthrie and Edward Wynee, *New Models for American Education* (Englewood Cliffs: Prentice Hall, 1971), pp. 70–90.
50. Luvern C. Cunningham and Raphael O. Nystrand, *Citizen Participation In School Affairs* (Washington: Urban Coalition, 1969).

EVALUATION OF TITLE I, ESEA—LOUISIANA

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Hon. WILLIAM J. DODD,
Superintendent of Public Education,
State Department of Education,
Baton Rouge, La.

DEAR SUPERINTENDENT DODD: During the period of November 4–13, 1970, personnel from the Office of Education conducted a review of the title I, Elementary and Secondary Education Act program in the State of Louisiana. This review was occasioned by complaints which had been addressed to Secretary Richardson concerning the administration of title I in your State and by the need for such a study revealed by our regular program review conducted during the week of September 28, 1970.

During these two visits, nine parishes were surveyed by Office of Education personnel. Eight of these parishes were visited during the expanded review in November: Orleans, Washington, Concordia, East Feliciana, Madison, Richland, Claiborne, and Caddo. The visit to each parish was preceded by a through examination of its recent project applications. During the actual visits, review team personnel interviewed school administration personnel, principals, teachers, and students, as well as local citizens. Books and records were examined and schools and other title I facilities were visited in order to observe title I programs in operation. Detailed reports of the facts developed in each of these eight parishes are enclosed as tabs A through H.

I. SUMMARY OF PARISH VISITS

The following is a summary of the observations made by the review team personnel:

1. General Aid.—The team noted in each parish visited that large amounts of title I funds were being expended for general aid for the schools, rather than to conduct activities designed specifically to meet the special educational needs of educationally deprived children as required by title I and regulations thereunder (45 CFR 116.17 (a) and (g)). For example, in Washington Parish, 46 temporary classrooms were constructed with title I funds. Most, if not all, of those classrooms are being used to conduct regular classes. In Madison, East Feliciana, and Washington Parishes, "media centers" built with title I funds serve as additions to the school administration buildings and provide services to all schools and all teachers throughout those parishes without regard to whether they serve educationally deprived children or not. In East Feliciana, five general purpose cafeterias and cafetoriums were constructed with title I funds. In Caddo Parish, a title I pupil personnel center serves children from all the schools in the parish.

In every parish visited, large amounts of title I equipment (particularly audiovisual equipment) are provided for regular classes. Many teachers and principals who are involved in the title I program do not understand its purpose as a categorical aid program but rather view title I as a source of new equipment and other general aid for the schools.

2. Supplanting.—In each of the parishes visited, the team found that title I funds are being used to supplant State and local funds, and that schools which have title I projects are being penalized in the amount of State and local funds being used to provide services in those schools. (See title I regulations. 45 CFR 116.17(h).) For example, State and local funds are used to provide centralized libraries in 16 of the 25 nontitle I elementary schools in New Orleans, while title I funds are used to provide such libraries in 28 of the 40 title I elementary schools. Each of the nontitle I libraries has a full-time librarian, while the 28 title I libraries are served only by a library aide and seven itinerant librarians, paid for out of title I funds. The same circumstances were observed in Caddo Parish with respect to libraries and kindergartens, and in Madison with respect to libraries.

3. Construction; equipment.—The team also noted the construction of facilities which were not demonstrated as essential in order to assure the success of title I projects, as required by 45 CFR 116.17(i). I have already noted the media centers and regular classrooms built with title I funds. In East Feliciana, a general purpose home economics facility is under construction with title I funds; in Claiborne Parish two swimming pools and an industrial arts workshop (open to all students on an elective basis) were constructed with title I funds; and in Madison Parish, a dressing-locker room with laundry facilities (which serve all schools in the parish) was built with title I funds. In addition, considerable amounts of equipment, the purpose of which is unrelated to meeting the special educational needs of educationally deprived children, were purchased with title I funds. Some examples of these are two-way radio equipment in Richland Parish, band instruments in Madison and Orleans Parishes, and videotape equipment in Madison Parish.

4. Assessment of Needs and Project Development.—Another major weakness in the title I program which was observed in all parishes visited is the failure of local educational agencies to provide an adequate assessment of the needs of the educationally deprived children to be served and to develop a program which will concentrate the use of title I funds to meet those needs, as required by 45 CFR sections 116.17 (c) and (g) and 116.18(b). Although standardized tests are utilized to determine the nature and extent of educational deprivation, the projects which are operated frequently fail to address the needs so indicated. In Washington Parish, for example, it appears that title I merely provides standard equipment such as record-players, tape recorders, and projectors to any teacher who wants to use them. Although classes are grouped according to ability, no attempt is made to provide students in the lowest ability groups with extra services through the title I program. This failure to target title I funds on the most educationally deprived children raises doubt as to the existence of a viable title I project in Washington Parish, as it does in other parishes where similar practices were observed.

In almost every parish, teachers and principals were unable to identify the students who were participating in the title I projects. This indicates not only a failure to design a project specifically aimed at meeting the needs of educationally deprived children, but also a failure to concentrate title I services on those children who have the greatest needs for assistance, as required by 45 CFR section 116.17(f).

5. Parental Involvement. It was noted in every parish visited that there has been a failure to provide for the maximum practical involvement of parents of educationally deprived children in the planning, development, and operation of projects under title I, as required by 45 CFR section 116.18(f). In most cases, if a parent advisory group exists, it is merely pro forma. Even in New Orleans Parish, which has perhaps the most viable advisory council of those observed, the parents on the council appeared to be almost totally uninformed of the nature and purpose of title I. It should be noted, however, that this is an area in which some improvement has occurred in recent months.

II. STATE ADMINISTRATION

Many of the apparent violations of the title I regulations which are noted above are discernable from a review of the project applications alone. This fact indicates that the State of Louisiana is not fulfilling the assurance contained in its application for assistance under title I that it will approve only those applications submitted by local educational agencies which meet the requirements of title I and the title I regulation. Most project applications (45 CFR 116.31(c)) are approved without comment within 1 or 2 days of their submission to the State educational agency.

Another major weakness in the State administration of title I is in the area of monitoring. There is very little evidence that the present level of State educational agency monitoring of local projects would be adequate to assure the State and the Federal Government that title I funds are being used for their intended purposes. Apparently no monitoring activities were conducted by the State until the school year 1969–70. That year, monitoring was limited to a 1-day visit in each parish and written reports were usually not prepared. In only two instances was a written report of last year's monitoring visit found. Those reports, for Washington and Orleans Parishes, made no mention of the many violations of the title I requirements which were readily apparent to the Office of Education personnel who visited the parishes.

In summary, it is apparent that the State educational agency is not providing the type of leadership, guidance, and constructive program review, either in connection with the approval of applications from local educational agencies or the monitoring of approved title I projects, which is essential to the achievement of the legislative purpose of title I. As a result, local educational agencies have not developed or operated projects which give reasonable promise of substantial progress toward meeting the special educational needs of educationally deprived children. A detailed report of the State administration of title I is enclosed as tab I.

As indicated above and as appears more fully from the enclosed reports of visits to individual parishes, a considerable amount of Federal funds seems to have been spent for purposes for which funds are not available under title I. As title I is a State-administered program, the State would be responsible for any funds which were expended for other than approvable projects. A list of project items approved by the State educational agency which, from our present information, appear to be unrelated to meeting the special educational needs of educationally deprived children is enclosed as tab J.

III. CORRECTIVE ACTION REQUIRED TO ASSURE FUTURE PROGRAM CONFORMITY

In order to prevent any further expenditures of title I funds for improper purposes and in order to insure that the Louisiana title I program is brought into compliance with applicable requirements as soon as possible, the following steps should be taken by the State educational agency:

1. Develop procedures which will assure that adequate instruction is provided to local educational agencies in understanding the legal requirements of a title I program and in developing title I projects which adequately assess the needs of educationally deprived children in the parish involved and which concentrate the use of title I funds on those educationally deprived children who have the greatest need for assistance. Such instructions must also assure that title I projects are limited to those attendance areas which are eligible to participate in the title I program under the provision of 45 CFR section 116.17(d). (Violations of this provision are noted in tabs B, C, D, E, F, G, and H.)
2. Develop procedures for the review of title I applications (including appropriate criteria) which will assure that only those applications which meet the requirements of the statute and regulations are approved by the State.
3. In order for the State of Louisiana to demonstrate that it will comply with its assurance that only those applications will be approved which meet the requirements of the statute and the regulations, no further title I application or amendments thereto should be approved until the instructions and procedures referred to above have been developed by the State and reviewed by this office.
4. After reviewing the reports of the individual parishes provided herein, take immediate action to notify each local school district of the activities in-

dicated which are in violation of the statute or regulations and the action necessary to be taken to eliminate those activities and to develop amended projects to be submitted to the State for approval.

5. Review all currently approved projects to the State to identify those projects which do not meet the requirements of the Statute or regulations. Advise the local school districts of the necessary action to be taken to eliminate those activities and to develop amended programs to be submitted to the State for approval.

6. Advise each local school district that no further purchases of equipment are to be made and that no further construction is to be undertaken with title I funds until such time as the State agency has reviewed its title I program, and has made a redetermination that such equipment and construction are necessary for a proper title I activity.

7. Develop revised procedures which will achieve adequate State agency monitoring of local projects.

8. Develop procedures for the adequate handling of complaints concerning the title I program at the State and local levels.

You are undoubtedly aware of my responsibilities under the law to assure that the title I program in your State is operated in accordance with the requirements of the statute and regulations. I would therefore appreciate your promptly advising me of the action which you have taken and will take with regard to each of the above steps. I wish to assure you that the Office of Education is ready and willing to provide you with whatever technical assistance may be necessary in order to bring your title I program into compliance with Federal law.

Sincerely,

S. P. Marland, Jr.,
U.S. Commissioner of Education.

ORLEANS PARISH

Review team
Gene C. Fusco
Ed Smith
Zeke Rodriques
Richard McVity
Darrel Grinstead
Mike Lottman
Steve Schatken

State Officials
Charles Jarreau
Fred Miller

Review Dates November 9-13, 1970

Address
Orleans Parish School Board
703 Carondelet Street
New Orleans, Louisiana 70130
(504) 524-8592

Population of Parish - 709,546

Superintendent of Schools - Dr. Alton W. Cowan

Title I Coordinator - Mr. Joe Carmichael
Title I Project Allocation (1970-71)--------------$4,338,482

No. of Schools------------------------------------- 140

No. of Participating Schools (Title I)------------ 93
(72 Elem., 21 Sec.)

No. of Catholic Schools - 80; No. of Catholic Schools (Title I)------------------ 34
(No provision has been made for children from non-Catholic private schools to participate in Title I.)

No. of Children in Residence---------------------- 165,214
(White - 71,972; Black - 89,306; Am. Indian - 140; P.R. - 250; Oriental - 301; Spanish Surname - 3,245)

No. of Children Enrolled in Public Schools-------- 110,950

No. of Children Participating in Title I---------- 15,215
(White - 3,213; Black - 11,351; P.R. - 161; Oriental - 8; Spanish Surname - 475)

Project Title - Compensatory Education

LEA Staff Interviewed:

Title I Coordinator	Joe Carmichael
Coordinator, Business Administration	Frank Whitaker
Coordinator, of Instruction	Dallas Picou
Coordinator, Language Arts	Julia Floyd
Coordinator, Paraprofessionals	Lucille Hayes
Director of Research and Evaluation	Paula Platt
Director, Federal Projects Distribution Center	Thomas Foster
Director, Eight Children Project	Robert Kastner
Assistant Superintendent	Malcolm Rosenberg
Assistant to Chief Accountant	Donald Mehrtens

Staff members at the following schools were interviewed: Carver, Edwards, Dunn, Lawless, Allen, Jackson, Howard, McDonogh #6, Holy Ghost, Gayarre, Palmer, Frontz, Washington, and Jefferson

Documents Reviewed:

Project Applications

Evaluation Reports

Budgets, purchase orders, ledgers, etc.

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

1. A survey of low-income families was completed in 1965 on the basis of 1960 U.S. Census figures. The Census provided totals of low-income families by school attendance areas. A multiple was used to determine the total number of children in those families. The LEA official responsible for computing these figures stated that she did not know what multiple was used. No worksheets or other papers relating to the 1965 computation were available.

2. The figures on low-income children are revised annually. If a school's total enrollment has changed, a percentage of that change is presumed to constitute a change in the number of resident low-income children. The percentage used for each school attendance area is the percentage of resident low-income children in that area as shown in the prior year's project application. Thus, the percentage of low-income children listed in the application has not changed from year to year, in spite of changes which have occurred in the residence patterns of low-income families since 1960. Thus, target school selection in Orleans Parish

does not bear a true relation to the incidence of poverty within the city as required by the statute and regulations.

II. General Aid

Title I regulations require as follows:

> "Each . . . project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." 45 CFR § 116.17(g).

1. Lawless Area Community School -- Youth Division. The Youth Division program is open to any child in grades 1-9 who wishes to participate. No attempt is made to identify children who are educationally deprived with respect to the courses being offered. The subjects taught include body building, dramatics, gymnastics, beginning instrumental music, advanced instrumental music, modern dancing, photography and typing.

2. At Allen School, which has been designated as a project school activity funded mainly with Title III, ESEA funds, the following personnel are paid with Title I, ESEA funds; music teacher, art teacher, physical education teacher, 2 teacher aides, a clerk, 2 playground aides, and

a playground director. The foregoing staff are assigned to the school on a full-time basis and serve all children in the school. No group of children identified as educationally deprived are provided with services over and above that provided other pupils. In addition, three part-time after-school recreation counselors paid out of Title I funds serve all children attending school who wish to participate in the activity. While cooperative Title I-Title III projects are permissible, they must be planned and operated so that the educationally deprived children in fact receive special services designed to meet their particular needs.

3. Jackson Elementary. In grades 1-6, the BRL Sullivan reading materials are provided to all pupils from Title I funds rather than a designated group identified as educationally deprived.

4. Howard School. The Title I "Teamwork project", math program, and social studies are available to all pupils in grades 1-3.

5. At the same school, a visiting teacher paid by Title I serves on a general aid basis.

6. The Media Center van, paid for with Title I funds, serves all schools in the parish.

7. At McDonogh # 6 as well as other schools, Title I audiovisual material and books are made available to all teachers in the school.

8. Substantial quantities of equipment and materials purchased for summer Title I programs are "loaned" to various schools during the regular school term, and are used primarily or exclusively for regular classroom activities.

9. According to the parish's Title I application, six language arts resource teachers will work at six schools (Frantz is one) with groups of eight children to improve the children's reading, writing, listening and speaking and will devote "an equal amount of time" working with children in regular classrooms and providing inservice training to teachers (p. 54). Although the resource teacher at Frantz Elementary originally worked with six groups of eight children each, the emphasis has now shifted to inservice training. She spends proportionately less time with educationally deprived children. She believes that the Title I language arts program purpose is to test new teaching methods , rather than to provide remedial instruction to the individual students. One of her four groups of eight children is composed of "really top" students. In this group, techniques are worked out for advanced students, rather than those who are educationally deprived.

10. A participating parochial school may request audiovisual equipment and instructional materials for the language arts program. However, all teachers in the school use these supplies.

11. In 1969-70, $20,000 from reallocated Title I funds was used to purchase audiovisual equipment and instructional materials which were distributed to Catholic schools for general aid purposes.

III. Supplanting

Section 141(a)(3) of Title I provides:

> "Federal funds made available under this Title will be used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case, as to supplant such funds from non-Federal sources . . . . "

1. The Title I Coordinator of After-School and Summer Activities administers the Community School Program. This program includes courses paid for with State and local funds. Thus, Title I pays for the administrationof non-Title I classes. These include Adult Basic Education and "Cashier and Sales", "Effective Business Speech" and "Switchboard-Receptionist" courses.

2. Title I pays for a Diagnostic Center which is utilized in evaluating children as potential participants in special education classes. The Psychological Department of the Orleans Parish School Board performs an identical function. Some children entering Title I special education classes have been tested by the Diagnostic Center. Others have been tested under State-and local-funded programs. With the exception of the Diagnostic Center, the referral and testing program is funded entirely from non-Title I sources.

3. Salaries of staff in the Media center are paid out of Title I funds, but the staff carry out duties in several Federally assisted projects.

4. State and local funds support centralized libraries in 16 of the 25 non-Title I elementary schools, whereas 28 of the 40 elementary schools in target areas have centralized libraries supported with Title I funds.

(a) Non-Title I centralized libraries typically employ full-time librarians. Title I supported libraries are served only by a library aid and an itinerant librarian, both paid out of Title I funds.

(b) The Allen School full-time librarian, Mrs. Starnes, was paid out of State/local funds in 1969-70, was assigned to the centralized library, and signed a contract early in the summer of 1969. On the Friday before school opened, she was officially informed that Title I funds would be used to pay her salary. She served as an itinerant librarian, and devoted 2 days a week to Allen School, and 3 days to McDonagh School # 6.

(c) Mrs. Reed, who serves Washington and Beauduit School, underwent an experience similar to Mrs. Starnes. Thus, in at least three schools, Washington, Beauduit, and Allen the decision to fund an activity with Title I has had the effect of reducing the level of services. (See Appendix A).

(d) The aforementioned Title I library personnel work with all students in the school, performing the same general library services that are performed in other schools by non-Title I personnel. The Title I itinerant librarian at Washington now does the same things she did last year as a full-time, non-Title I librarian, but for two schools instead of one. (Interviews with principals and librarian).

5. A physical education activity in 1969-70, involving the hiring of coaches and playground supervisors who worked after hours in certain Catholic schools, duplicated activities supported by State/local funds in non-Title I attendance areas. The activity was dropped just prior to the opening of school, 1970-71.

IV. Expenditure Unrelated to Title I Activities

Lawless Area Community School--Adult Division. The Community School provides night classes for 940 enrolled adults. Some of the courses are funded under Title I while others are subsidized with State and local funds. Any adult who wishes to participate may do so. The program does not provide compensatory education for educationally deprived children, since adults constitute the entire enrollment. Courses funded under Title I include

Bookkeeping, Introduction and advanced; Cabinet Making; First Aid; TV Repair; and Carburetor and Starter Rebuilding.

V. Participation of Private School Children

The Title I regulations provide as follows in 45 CFR 116.19:

> (a) Each local educational agency school shall provide special educational services designed to meet the special educational needs of educationally deprived children residing in its district who are enrolled in private schools. Such educationally deprived children shall be provided genuine opportunities to participate therein consistent with the number of such educationally deprived children and the nature and extent of their educational deprivation.
>
> * * *
>
> (b) The needs of educationally deprived children enrolled in private schools, the number of such children who will participate in the program and the types of special educational services to be provided for them, shall be determined, after consultation with persons knowledgeable of the needs of these private school children, on a basis comparable to that used in providing for the participation in the program by educationally deprived children enrolled in public schools.

1. Lack of Cooperative Planning.

Since school year 1968-69, the first full year of participation of Catholic school children in Title I projects, there has been continual friction and disagreement between Catholic and public school officials. Confrontations have been marked by mutual suspicion and distrust.

a. A dramatic illustration of absence of cooperative planning between public school officials and Catholic school representatives took place during the review team visit. A $1,000,000 Title I reading program was announced by the school board involving 34,000 public school children in 49 schools. Catholic school children who reside in the project areas were not included in the project, which prompted Reverand L.F. Generes, Archdiocesan Superintendent of Schools, New Orleans, to send a telegram and accompanying letter to the State Administrator of Federally funded programs demanding that approval be withheld pending negotiation, and citing relevant sections in regulations and guidelines regarding participation of private school children in Title I projects.

b. There appears to be no organized and systematic method of assessing the special educational needs of non-public school children. On the basis of those Title I projects that are in operation for public school children, principals and teachers identify non-public school children in need of similar services and arrange for their participation.

2. Lack of "Genuine Opportunities to Participate"

a. In 1970-71, Catholic school children are participating in only 2 Title I activities--language arts and the diagnostic center.

b. As a result of a series of meetings held from Mah to August in 1968, a decision was made to earmark for use by the Archdiocese school officials 10 percent of the Title I funds allocated to Orleans Parish. Inexplicably, the 10 percent provision is justified on the supposition that "10.8% of the Negro children of Orleans Parish were educated in Catholic schools.

c. Public school officials have made no effort to determine whether non-Catholic parochial school children residing in project areas are educationally deprived and, therefore, eligible to participate in Title I projects.

ALTON W. COWAN, SUPERINTENDENT

December 22, 1970

Dr. Gene C. Fusco
U. S. Office of Education
Washington, D. C. 20202

Dear Gene:

Confirming our telephone conversation of today, I am forwarding a summary report of expenditures for the "Centralized Library" activity of our ESEA Title I program for the fiscal years 1966-70.

Due to the rapidity with which this information was extracted from the past years records, there may be some need for minor adjustments, but I am sure that it is essentially correct.

I trust this will serve your immediate needs. Please let us know if there is anything further we can do for you.

Sincerely yours,

Frank A. Whitaker
Coordinator
Business Administration
Federal Projects Office

FAW:mb
Attachment

APPENDIX A

SUMMARY OF EXPENDITURES

CENTRALIZED LIBRARY ACTIVITY - ESEA TITLE I PROJECT

NEW ORLEANS PUBLIC SCHOOLS - NEW ORLEANS, LA. 70130

	FY 66 School Year 1965-66	FY 67 School Year 1966-67	FY 68 School Year 1967-68	FY 69 School Year 1968-69	FY 70 School Year 1969-70	TOTAL
200 Instruction - Salaries	$ 31,661	$135,098	$128,986	$165,022	$203,938	$ 664,705
200 Instruction - Supplies, Travel, etc.	18,869	54,170	36,410	23,867	8,947	142,265
600 Operation of the Plant	27	1,931	815			2,773
700 Maintenance of the Plant		3,780		552		4,332
800 Fixed Charges (Ret.,FICA, etc.)	291	10,394	11,483	14,455	19,325	55,948
1230 C Equipment for Instruction	20,009	141,265	-0-	5,583	16,454	183,311
1220 A&B Buildings (Note 1)	299,592*	105,758*	187,525*	283,442	30	929,581*
1220 C Remodeling (Note 2)				50,919	2,315	
TOTAL	$370,449	$452,396	$365,219	$543,840	$251,009	$1,982,913

SOURCE OF DATA FOR THIS REPORT:
FY 66, 67, 68, - Accounting Dept. Records
FY 69, 70 - Activity Ledgers - Office of Business Administration, Federal Projects Office

Note 1 - 1220 A&B Buildings covers portable buildings, separate structures and major additions to existing buildings - it also includes architects fees for both building and remodeling projects.

Note 2 - 1220 C Remodeling covers remodeling and renovation carried out within existing structures.

* A break down between 1220 A&B BUILDINGS and 1220 C REMODELING was not immediately available for FY 66, 67 and 68 - The figures given are a combination of the two.

WASHINGTON PARISH

Review Team Gene C. Fusco
Edward Smith
Darrel Grinstead

State Official Charles Jarreau

Review Dates November 5-6, 1970

Address Washington Parish School Board
800 Main Street
Franklinton, Louisiana 70438
(504) 839-3436

Population of Parish - 20,000

Acting Superintendent of Schools - Mr. Earle Brown, Supervisor of Instruction

Title I Coordinator - Mr. O. E. Ballard
Title I Project Allocation (1970-71)..........................$246,889

No. of Schools - 10
Title I Participating Schools - 10

No. of Children in Residence - (White - 3,122; Black - 2,528) 5,650

No. of Children Enrolled in Public Schools..................... 5,118
(private school children - in district 260;
outside district: 166; dropouts: 106)

No. of Children Participating in Title I - (White 487; Black 904) 1,391

Project Title - "Improving of Laboratory, Classroom and Instructional Skills through Services and Cross Media Experiences."

LEA Staff Interviewed:

Acting Superintendent, Mr. Earle Brown
Title I Coordinator, Mr. O.E. Ballard
Director, Media Center, Mr. Tillman Richardson
Principal, Franklinton High School, James Stafford
Principal, Franklinton Elementary School, Ray Kennedy
Principal, Mt. Hermon High School, Anthony Triola
Principal, Pine High School, Silas Kennedy
Principal, Thomas High School, Lennie Vogt
Principal, Varnado, High School, Oscar Slade
Principal, Varnado, Elementary School, Mrs. Clotilde Chander

Documents Reviewed:
All project applications
Evaluation Reports
School Board Minutes
Budgets, purchase orders, bids, etc.

Photographs Taken by Review Team
November 6, 1970 (Appendix A)

Violations of Title I Regulations/Guidelines

I. Selection of Target Areas

Since school year 1966, official project application indicates source of data for determining number of children from low-income families as "U.S. Census," "AFDC Data," "free school lunch," and "health statistics." In 1970-71 application, 2,252 of the 5,650 children residing in Parish identified as from low-income families.

Yet, no documents of any kind could be produced by Superintendent and his staff, or by building principals, to corroborate the grade by grade figures on page 2, A-4 of application listing "number of children residing in attendance area from low-income families." The district-wide percentage of children from low-income families (39.8 percent) is, therefore, subject to doubt. Team members were repeatedly told that principals and teachers identify children from low-income families based on personal knowledge.

Because children attending private schools were excluded from the determination of the percentage of low-income children in each school attendance area, (violation of Section 116.17 (d) of the regulation) while being included in the computation of the district wide percentage, in each of the 10 schools in the Parish the number of children from low-income families appears to exceed the district-wide percentage of such children, so that all attendance areas purportedly qualify as Title I project areas eligible for Title I programs and services. Thus, there is no concentration of Title I services in those schools with the highest incidence of poverty.

II. Needs Assessment

In order to determine the special educational needs of the parish's children, standardized tests are administered on a parish-wide basis in reading, math, social studies, and science. The gross results of these tests are indicated in the Title I project application, e.g., on page 5 of the 1970-71 application: "In grades 1-6 the following are below national norm, reading 83%; mathematics 76%." On the same page it is indicated that 2,036 children in grades 1-6 "lack the ability to communicate with teachers and other students." Although some needs of educationally deprived children have at least partially been determined, there is no evidence in the application of a clearly defined program or service to meet those needs. Furthermore, although the application lists the number of children who will participate in the Title I program, those children could not be identified by a listing of named children who are participating in each activity. It is, therefore, questionable whether any attempt is made to design project activities for particular groups of children with identified needs as required by section 116.17 (a) of the Regulations. This impression was verified through conversations with the Acting Superintendent, the Title I Coordinator, principals and teachers in each school visited. The common perception of Title I by school staff was in terms of instructional materials and audiovisual equipment which was being made available to all schools for use by all teachers for the benefit of all children.

III. Parental Involvement

Title I Regulations, section 116.18 (f), requires that there must be "the maximum practical involvement of parents of educationally deprived children...in the planning, development, operation, and appraisal of projects..." The twenty member Title I Advisory Committee as listed in the application for 1970-71 consisted mainly of the Superintendent, other central office staff, and principals of all schools. Only three parents were listed, one of whom, Mr. Early Garrett, was identified as: "laborer, parent of economically deprived student." A telephone call was placed to Mr. Garrett by a review team member and it was learned that Mr. Garrett does not have a child attending school. Indeed, he is a grandparent!

A meeting of the Advisory Committee was held on June 19, 1970, to "plan our Title I Project for 1970-71." (Page 1 of narrative in application, 1970-71). The application states that "it was agreed by the committee to continue all projects from last years' program in the instructional and service areas."

There was no indication that the previous years' program had been adequately evaluated or that opinions of teachers, parents, or other members of the community were solicited regarding problems, issues, accomplishments, or failures of Title I programs.

IV. Title I Funds for General Aid - Construction of Classrooms

Since school year 1966, 46 "temporary" classrooms have been constructed with Title I funds in which no activity had been planned, or was subsequently conducted, which could be demonstrated as essential to insure the success of a Title I program, as required by section 116.17 (i) of the Regulations.

In 1969 court ordered desegregation options for the Franklinton Schools included integration of the black elementary and secondary schools, which would have obviated the need for constructing any classrooms. The school board chose not to adopt this plan but chose instead to send the black pupils to the previously all-white Franklinton Elementary and Secondary Schools, which were already overcrowded. The Board spokesman informed the court that Federal funds were available to build the necessary classrooms.

On July 23, 1969, according to official school board minutes, it was noted that there were only 29 days prior to opening of school, that an emergency existed as the result of school board decision to close the black school, and that the board "must enter into contract immediately to secure the necessary facilities in the time available, at the least cost to the school board." Title I funds were used to finance the construction of the classrooms. The largest contract was in the amount of $87,332. All the classrooms are used to conduct regular classes. The entire Franklinton Junior High School is housed in classrooms constructed with Title I funds.

After integrating the black pupils in the classrooms constructed with Title I funds, an elaborate system of ability grouping in Franklinton Elementary School tended to desegregate the pupils, especially in the lower grades. For example, grade 1 in the Franklinton Elementary School consists of 11 groups, with ability levels within those groups. The lower four groups (Group H, I, J, K) consist entirely of black pupils.

V. Use of Title I Funds for General Aid - Addition to Administrative Building

A brick addition to the School Administrative offices constructed in 1967 entirely with Title I funds consists of the following:

(1) Reception area (receptionist serves parish-wide functions).

(2) Office of Federal Project Director, and separate offices for his assistant, and his secretary.

(3) Large auditorium with folding door in center, seating approximately 75 persons and used for public meetings, in-service training programs, and other school and community purposes.

(4) Conference room, consisting of a large rectangular table and chairs.

(5) Small lounge, with kitchen facilities.

(6) Professional library stocked with books and curriculum materials.

(7) Reproduction room, with a large xerox machine, a small copying machine, and a duplicating machine (all of which are available to all teachers for general purposes).

(8) Media Center room where equipment and materials are stored and records kept.

(9) Storage room - used to house sundry materials.

(10) Shipping and receiving room with loading dock.

The above facility, including furniture, equipment, materials, etc., was built, furnished, supplied, and is maintained with Title I funds.

It is noted that the annex described above is referred to as a "media center" in the 1967-68 application for Title I funds. It is also noted that Exhibit D clearly shows name of annex: "Washington Parish School Board." There is no evidence that the media center was essential for the success of any Title I activities.

VI. Use of Title I Funds for General Aid - Audiovisual Materials and Equipment

Audiovisual equipment and materials appear to be the heart of the Title I program in Washington Parish, as indicated by the Project Title, the proportion of Title I expenditures devoted to materials and equipment over the years, and the concept of a Title I program as described by the Acting Superintendent, the Title I Coordinator, building principals, teachers, and school staff members in specialized areas.

Instructional materials and equipment in the media center are distributed to all the schools and housed in the central library, or permanently housed in classrooms, and are used for general aid purposes.

Director of the media center distributes and collects equipment and materials to all schools on Monday and Thursday of each week. The panel truck used for that purpose was bought, and is maintained, with Title I funds.

There is no evidence that through the use of these materials, educationally deprived children are receiving extra services which will meet their special educational needs. Whether or not the children receive any benefit from these materials depends entirely on the energy and resourcefulness of the regular classroom teacher. Although classes are ability grouped, no attempt seems to be made to utilize Title I funds for special projects for the lower groups. Furthermore, the rationale underlying the Title I program in Washington Parish--that exposure to multi-media materials will materially improve and upgrade the academic, social, physical and emotional status of the educationally deprived child--is not warranted by any measureable evidence based on evaluation reports prepared by the administration staff of Washington Parish.

Materials and equipment purchased with Title I funds which were traced to the individual schools by the review team were either labeled improperly, impermanently, or not labeled at all and were found in use in all classrooms of the 7 operating schools visited by the review team.

Materials and equipment for a wide variety of school purposes, as opposed to meeting the special educational needs of educationally deprived children, have been purchased over the years with Title I funds, including band uniforms; baseball, bats, basketballs, and other physical education items; see-saw sets, merry-go-rounds, and other playground equipment; copiers (thermofax) and duplicating machines housed in the outer office of building principals; equipment used in home economics classes; laboratory equipment for science classes; and typewriters and related materials for business education classes.

1970-71 application, approved by the State education agency, requests 8-Four-Board Seesaws ($1,520); 8-12' Bedway Stationary Slides ($1,600); 6-Merry-go-rounds ($1,200); 9-Table Tennis Tables ($675), and similar items.

Use of Title I Funds for General Aid - School Staff

In addition to the salaries of the Title I Coordinator, (who spends part of his time discharging responsibilities in other programs) secretary, bookkeeper, clerks, seven temporary clerk-typists in the media center, driver-property clerk, custodian, counselor, music teacher, two school nurses, and a speech specialist are paid out of Title I funds. The services of these staff members are provided on a broad basis in the school system, and there is no evidence that their activities are confined to children identified as educationally deprived.

All of the above expenditures appear to violate section 116.17 (g) of the Regulations which provides that: "Each Title I project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school."

VIII. Evaluation

Title I Regulations, section 116.22, requires that each Title I project application include objective standards for the annual evaluation of the effectiveness of the project.

Over the years, program objectives in Washington Parish have not been stated in terms that would permit measurement and evaluation to determine whether programs and services supported with Title I funds have been effective in improving and upgrading the level of educationally deprived pupils.

The relationship of the parish-wide testing program, budgeted at $10,000 for school year 1970-71, to on-going programs and services funded with Title I is tenuous, at best. On page 8 of the 1970-71 application, it is stated: "Even though many figures appeared on the final results of the SRA parish-wide testing, no one could decipher this information."

On page 14, 1970-71 application: "most students are well below their actual grade level in the area of reading," and that "reading comphrehension will be emphasized with the purchase of $10,000 of "various instructional materials." Yet, no plan for a program to meet such needs is presented, and, therefore, no evaluation procedure is set forth, except subjective teacher judgment.

XI. Ineffectual Program Objectives

Sample statements from 1970-71 application: (1) "we plan to decrease by 50 percent the language barrier between students and teachers which we feel will increase the math skills by 35 percent," (page 16); (2) "increase by 50 percent the listening habits of the economically deprived students," (page 18); (3) "by working and playing together we feel that this will increase by 40 percent the cooperative behavior of pupils" (page 20); (4)"...30 percent of the deprived students that are below national norms or grade level will advance to approximately their grade level" (Social Studies).

No evidence is presented that a systematic program designed for a designated group of children in need of specific types of activities has been or will be developed. Over the years, the emphasis has been placed on purchasing and using instructional materials and equipment which are made available to all teachers in the parish for classroom instruction.

In the 1969-70 Washington Parish evaluation report forwarded to the State Education Agency, there is no evidence of pupil progress on the basis of pre- and post-testing in social studies, natural science, mathematics, and reading. Indeed, in reading, the program on which the greatest emphasis is placed, the percentage of pupils in the upper quarter appears to be declining!

1970-71 Evaluation Report includes the statement that visiting supervisors "have witnessed effectiveness in instruction because of Title I materials issued to teachers and most are using them. In cases where teachers request material but do not use them, then effectiveness is not related to cost." Thus, the quantitative use of materials is set forth as an end in itself, as illustrated in the foregoing statement, in statements which appear in the application and the evaluation report, and in statements made by the Acting Superintendent and the Title I Coordinator.

According to the Evaluation Report, the most significant changes in pupils are (1) "more obvious desire to learn," (2)"higher average daily attendance," and (3) "lower dropout rate," and the most significant change in the school staff is "greater skill in use of audiovisual equipment and supplies."

(Part D, page 28 of 1969-70 Evaluation Report).

X. Summary

Over the years, although there have been sizable Title I expenditures in Washington Parish, there has been no viable Title I program designed to serve the special educational needs of educationally deprived children on the basis of a valid needs assessment.

Title I funds have been used for every conceivable school expenditure where local/State funds were deemed insufficient to support a given program or activity, including construction of classrooms and other facilities.

The Title I applications often included statements regarding the severely restricted local educational budget as justification for requesting programs and activities to meet parish-wide school needs.

Except for the case where the annex structure was referred to in the application as a "media center", parish officials appear to have carried out the program in good faith using Title I funds as part of the general budget while adhering to the form and not the substance of Title I requirements.

APPENDIX A

Photographs on file taken with Polaroid Camera, November 6, 1970.
(All structures built with Title I Funds.)

Exhibit A

Fifteen classrooms, library, visual aid room, restroom built in July, 1969. Accomodates all 5th and 6th grade pupils in Franklinton Elementary School.

Exhibit B

Fourteen classrooms, and 2 portable classrooms, accomodates all 7th and 8th grade pupils in Franklinton Junior High School.

Exhibit C

"Media Center" built in 1967.

Exhibit D

Closeup of structure (Exhibit C) showing name of building: "Washington Parish School Board".

Exhibit E

Auditorium with folding door used for general school and community purposes.

Exhibit F

Media center room used for general aid purposes.

Exhibit G

Van for purpose of delivering materials/equipment to all schools.

Washington Parish School Board
P. O. Drawer J
Franklinton, Louisiana 70438

December 18, 1970

Dr. Gene C. Fusco
Office of Health, Education & Welfare
400 Maryland Avenue, S. W.
Washington, D. C. 20202

Dear Doctor Fusco:

At the request of Mr. Smith by telephone, we are sending you the following information:

Construction Costs of Temporary Buildings

Franklinton Elementary School	15 classrooms 1 restroom	$44,888.00
Franklinton Junior High School	14 classrooms 1 restroom	42,444.00
Mt. Hermon High School	4 classrooms	9,945.60
Varnado High School	2 classrooms	5,700.00

Construction Cost of Media Center

Washington Parish Curriculum Materials Center	$85,722.55

If further information is needed, please let us know.

Yours truly,

O. E. Ballard
O. E. Ballard, Supervisor
Federally Assisted Programs

OEB:bs

CONCORDIA PARISH

Review Team: R. L. McVity
H. Rodriquez
S. Schatken

State Officials: A. Kalpakis

Dates of Review: Nov. 9-10, 1970

Address: Concordia Parish School Board
P. O. Box 548
Vidalia, La. 71373
Tel. 318-336-4226

Superintendent: Ben Green, Jr.

Title I Coordinator: Johnny Robertson

Approved Project Allocation FY 71: $347,711

Number of Public Schools in System: 13

Enrollment FY 71: 5,698

School-Age Population: Negro, 55%; white, 45% (based on residence in district)

Number of Participating Schools: 12, per original project application; will be 13, based on revised figures on distribution of low-income children

Number of Participating Children: 1,263 (identical number stated as participating FY 70) (white, 325; Negro, 938)

Enrollment of Title I Target Schools: 5,707

Project Title: Enriching the Instructional and Guidance of Educational, Social, and Cultural Deprived Children

Personnel Interviewed: Ben Green, Jr., Superintendent; Johnny Robertson, Title I Coordinator; Lowery Herrington, Media Coordinator; Mrs. Lorraine Quimby, Principal, Ferriday Lower Elementary School; Mrs. Luberta Washington, First grade teacher, Ferriday Lower Elementary; Mrs. Jimmye Campbell, remedial reading teacher, Ferriday Lower Elementary; Mrs. Evelyn S. Riggs, teacher aide, Ferriday Lower Elementary; Mrs. J. Robertson, librarian (Media Control); Mrs. Olar Moore, Elementary School Teacher, Ferriday Lower Elementary; Mrs. Mack Moore, Principal, Ferriday 8th grade school; Mrs. Ruby W. Washington, Remedial Reading Teacher, Ferriday 8th Grade; Mrs. Johnnie M. Richey, Reading Teacher, Ferriday 8th Grade; Mrs. Gail Vestal, Teacher Aide, Ferriday 8th Grade; Mrs. Vina Pankey, Title I nurse; Mr. Warren Enterkin, Principal (in charge of summer 1970

Title I Migrant Program); Mr. Ainsworth, Guidance Counsellor; Mrs. Dorothy Hand, Secretary; Mrs. Dora Freeman, Media Aide; Mr. George Jones, Van Driver; Mr. Melvin Demby, Warehouseman; Mr. Ray King, Communications Coordinator; Mr. James Lindley, Principal, Vidalia Upper Elementary School, Mrs. Gertrude Barber, Remedial Reading Teacher, Vidalia Upper Elementary; Mrs. Melva Roberts, Teacher aide, Vidalia Upper Elementary; Mrs. Margaret Mays, regular reading teacher, Vidalia Upper Elementary; Mr. Ben Hunter, Principal, Vidalia Junior High School; Mr. Julius R. Buhn, Principal, Vidalia High School; Mr. Paul Reed, School Board Member; Mrs. R. Crockett, Retired Principal; Mrs. Regan, grandparent; Mary Ann Arnold, Social Worker; . (The last four are also members of the Advisory Committee.)

Documents Reviewed: All Project Applications
Evaluation Report
Payroll, Ledger, Cancelled Checks, Purchase Orders and Invoices
Audit Report
Classroom and Pupil Schedules
Equipment Inventories

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

Title I regulation provides in 45 CFR 116.17(d) as follows:

> "A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district. In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district."

1. Because of court-ordered changes in school populations, the Parish conducted a survey in October, 1970 to determine the new enrollment patterns of low-income children. Percentages of low-income children by school attendance area are stated as follows:

School	Percent of low-income children in the project application submitted in August 1970	Percent of low-income children in the October 1970 survey
Ferriday Lower Elementary	45	46
Ferriday Upper Elementary	45	46
Ferriday 7th Grade	45	56
Ferriday 8th Grade	45	45
Ferriday 9th Grade	*	45
Ferriday High	45	45
Vidalia Lower Elementary	45	45
Vidalia Upper Elementary	45	45
Vidalia Junior High	45	46
Vidalia High	45	45
Clayton Elementary	56 (as a special education center)	48
Monterey High	45	46
Ridgecrest Elementary	**	45

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* Created in August, 1970.
** Not listed in project application.

A mimeographed sheet, supplied to the review team by the Title I coordinator, shows the new districtwide percentage of resident low-income children as 45%. However, this percentage is lower than the average of the percentages of low-income children in all 13 schools. This, of course, would be mathematically impossible if these percentages were correctly calculated.

As a result of this miscalculation, every school in the district is deemed eligible for Title I projects, and the target school concept is given no effect. In spite of this obvious error, the Title I Coordinator stated that he intends to amend the FY 1971 project application using the above figures. He has already informed the other LEA officials that every school in the district is an eligible target school.

2. There is some evidence that each of the above percentages is a result of manipulation by the Title I staff. The data is obtained by requesting school principals to submit a form showing the number of low-income children in their respective schools. A recently-retired school principal, now a member of the Title I Advisory Committee, was interviewed by the review team. She stated that the Parish Title I staff would inform her of the number of low-income children required to entitle her school to Title I funds.

3. In the FY '71 application, the total resident children figure is 6,569 on page 1 and 6,203 on page 2. The total resident low-income children figure is 2,925 on page 1 and 2,799 on page 2. The Title I Coordinator was unable to explain these discrepancies.

4. The FY '71 application was submitted and approved in August, 1970. There is no evidence that the SEA ever questioned Concordia's figures for percentages of low-income resident children. In addition, the SEA did not require Concordia to account for the discrepancies between pages 1 and 2 of the application as submitted.

II. Inadequate Needs Assessment

Title I regulations, § 116.18(b), requre the LEA to provide

> "an assessment of the special educational needs of the educationally deprived children who would be eligible to receive benefits under Title I of the Act."

1. The project application contains a three-page statement of needs assessments. No priority is assigned to the needs enumerated. For each need (e.g., business education), the application shows only the total number of children tested who were one or more grade levels "below expectations." Needs are not broken down further nor discussed on a comparative basis. There are no needs assessments relating to the guidance, health, or social work components of the FY '71 program.

2. The SEA did not require the Parish to submit an adequate needs assessment;

III. Improper Selection of Title I Participants

Section 116.17(f) of the Regulations provides:

> "(f) The project for which an application for a grant is made by a local educational agency should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance."

1. Two principals at Parish schools stated that they chose Title I children solely according to income level. One said he thought the law should be changed to give priority to children who are further behind educationally, rather than financially, apparently unaware that this is in fact what the law presently requires. This type of misunderstanding of the nature and purposes of Title I is general throughout the Parish.

2. With regard to the mathematics project in FY '71, no special student selection procedures were followed. The Title I staff was unable to produce any information which would link the 730 students identified as being at least one year below grade level in mathematics with the mathematics project component in actual operation. (See Item V A 3, below).

3. All children one or more grade levels behind in reading are considered eligible for the Title I remedial course. However, of these students, the least deprived are given priority. The Title I Coordinator and remedial reading teachers interviewed agreed that this was the district-wide policy.

(a) The FY '71 project application states that 350 students in grades 7-12 are below grade level in reading. All 350 children purportedly participate in the Title I reading project. However, at Ferriday 8th Grade School the lowest ability group taught by a regular reading teacher consists of children further behind in reading than the Title I remedial class.

(b) At the same school, the Title I teacher uses advanced texts for some of her students whose reading comprehension may be has high as 12th grade level.

(c) At Ferriday Lower Elementary School, a sample Title I student, picked at random, was 0.1 years below grade level in oral reading and 0.8 years below grade level overall. This student should not have been eligible for participation in the Title I program under the Parish's own criterion of a one or more grade level reading deficiency.

The above facts indicate that Concordia Parish is failing to concentrate its Title I program on those educationally deprived children most in need of assistance, as required by 45 CFR 116.17(f).

4. The project application does not reveal all of the above facts on its face. However, the SEA monitored Concordia in the spring of 1970. There is no evidence that the SEA ever criticized this student selection procedure.

IV. Expenditures Unrelated to Title I Activities

1. Records maintained at the Media Center revealed that the Title I Van has delivered Title I equipment to Ridgecrest, a non-target school. Equipment located at Ridgecrest has been repaired with Title I funds.

2. Title I staff informed the review team that Title I equipment has been delivered to the all-white private academy. It is contended that all such material has been returned, but no records exist to substantiate this statement.

3. $2,870 of Title I funds were spent recently to underwrite college courses for non-Title I teachers.

4. The Media Center, constructed with Title I funds, is a receiving and distribution center for large quantities

of literature and other materials unrelated to Title I projects. Although some of the pamphlets are free, the Title I - Salaried Staff collect, arrange, shelve, and distribute them. Examples include Etiquette in Everyday Living and Careers in Petroleum Engineering. Some other books are purchased with Title I funds, e.g., Spanish Dictionary and Rousseau and Revolution.

A file observed contained boxes of slides labeled "Energy and Matter" and "The Physical Environment." However, there is no science component in the Concordia Title I program.

5. The Title I instructional resource project had not yet begun when the review team visited Concordia Parish. The teachers hired for the project in September were receiving salaries but performing no duties.

6. Fiscal records revealed that $3,958 was paid to a university in March 1970 for the tuition of 44 persons designated as "teachers aides." One of the "aides" is a fully certified elementary school teacher. Another "aide" is an elementary school principal.

7. Title I math resource personnel have been used to supervise a non-Title I industrial arts course.

8. A "remedial" reading teacher stated that her goal was to raise the children's overall grade levels by one year. When questioned, she agreed that this would leave them as far behind as they had been at the beginning of the school year.

9. Except for finding #9, the project applications alone would not reveal the facts set forth above. However, there is no evidence that the SEA made any objection to Concordia concerning these matters following its 1970 monitoring visit.

V. Use of Title I Funds for General Aid

> "Each . . . project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." Regulations, § 116.17(g).

1. A regular industrial arts teacher received one month's salary ($966) in FY '71 under Title I for making the Parish's annual inventory of industrial arts equipment.

2. Title I-salaried resource teachers make periodic visits to Vidalia High School in order to observe the conduct of all regular mathematics classes. They make suggestions

concerning teaching techniques and methods employed by teachers in the utilization of materials. No children in these classes are identified as educationally deprived. (See Item III, 2 above)

3. Teacher aides perform general clerical and support duties for regular classroom teachers in addition to their responsibilities in connection with Title I "reading labs." They are listed as "clerical aides" on the computer payroll sheet itself. Among their specific duties are loading of school buses, monitoring of recess periods, and operation of duplicating equipment for all teachers. At Ferriday Lower Elementary School, the aide is also responsible for distributing incoming books to the regular reading teachers.

4. The Title I-salaried guidance coordinator supervises and directs a program of general guidance carried on by non-Title I guidance personnel working throughout the Parish. Title I funds are used to provide general purpose pamphlets for college preparatory students. The guidance coordinator stated that it is his objective to expose all students in the Parish to guidance activities.

5. The Title I-constructed Media Center is a large general purpose building containing the offices of the Title I staff. It serves as a reception and distribution

point for materials, supplies, and equipment used in connection with all aspects of the instructional program of the Parish. Printing and reproducing facilities (including a darkroom and several elaborate printing and duplicating machines) are also contained within the Media Center. One of the school principals interviewed stated that the Title I media coordinator, on request, designs and supplies special instructional materials for any teacher in the school system. The Title I Coordinator added that this member of his staff also supervises use of equipment by regular classroom teachers.

Examples:

(a) Industrial arts equipment is used at Vidalia Junior High School in the regular school courses.

(b) A Title I overhead projector at Ferriday 8th Grade School was located in the science room. There is no science component in the Concordia's FY '71 program.

(c) A spot check was made on equipment use at Ferriday Lower Elementary School. A sample filmstrip projector, picked at random from inventory lists, was located in a general purpose classroom. The teacher there stated that she shared the projector with a second regular classroom teacher.

(d) The above examples of equipment being used for general aid represent standard procedure in the Parish.

6. There is no evidence that the SEA monitoring visit resulted in criticism of the above or similar practices.

VI. Supplanting

Section 141(a)(3) of Title I provides:

> "Federal funds made available under this Title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case, as to supplant such funds from non-Federal sources . . . ."

1. At least one remedial reading teacher paid under Title I was teaching general purpose social studies and language arts classes until the time of our review.

2. The Title I supported nurse will be providing services such as vaccination, immunization and TB testing which were formerly performed by the locally-funded public health nurse. The Title I nurse stated that she will be taking "some of the load off the public health nurse."

3. The Guidance Coordinator, paid entirely with Title I funds, will supervise activities funded under ESAP including the purchase and utilization of a mobile guidance laboratory.

4. A school principal stated that the Title I staff provides him with administrative and supervisory services which he would otherwise have to perform himself. He included general supervision, classroom supervision, assistance in making curriculum changes and administration of the guidance program in his school.

5. Title I media aides perform administrative services for all Federal programs, although they are paid entirely by Title I.

6. The project application is not sufficiently specific to reveal the above findings on its face. There is no evidence that the SEA's monitoring review resulted in any communication with the Parish with respect to the kinds of practices stated above.

VII. Inadequate Involvement of Parents

> "Each local educational agency shall provide for the maximum practical involvement of parents of educationally deprived children in the area to be served in the planning, development,

> operation, and appraisal of projects, including their representation on advisory committees which may be established for the local Title I program." Regulations, § 116.18(f)

1. The Title I Advisory Committee in Concordia Parish is merely a pro forma group. Interviews with committee members revealed that only the most superficial attempt was made to involve them in the design of the FY '71 project. The annual meeting was held on the evening of August 27, 1970. This was the same day the project application was submitted to the SEA. The application was approved on August 28. There is no evidence that the committee had any impact upon the project development, review, or approval process or that committee members have any present relationship to the program.

2. The project application states that the Advisory Committee will be utilized to keep parents informed of Title I activities. No procedure has been instituted to accomplish this. No PTA meetings have been held in the Parish since February 1970.

3. The "parent" interviewed was appointed three days before the August 27 meeting. She attended, but has heard nothing about the Committee since that time. She has no

children of her own in the school system. Her two grandchildren who live with her attend Concordia schools.

VIII. Wasteful Expenditures

> "The budget for a project shall avoid
> imprudent, extravagant or wasteful
> expenditures . . . ." Regulations
> § 116.18(a)

1. One fifth of the Title I budget is allocated to pay salaries of administrative personnel plus computer services.

Project Coordinator	$13,500.
Secretaries	11,400.
Computer Service	12,000.
Media Resource	10,500.
Media Aides (9)	15,827.
Communication Coordinator	8,500.
Curriculum Resource (6)	2,000.
TOTAL	$73,727.

56,725

2. An additional $54,7000 has recently been allocated to the construction of an addition to the Media Center; $241 was also spent for a walk and gravel outside the Center. A new van costing $3,781 was on order at the time of the review. The purpose of the construction, as stated in the application papers submitted to the SEA, are as follows:

(1) Create new office space for Title I administrative staff to permit acquisition of additional "soft ware." (See Items IV, 5; and VIII, 1, above).

(2) Build office for Title I nurses. (See Item VI, 2 above).

(3) Provide facilities to produce television tapes.

3. The Media Center contains elaborate printing and photographic facilities and equipment paid for with Title I funds.

4. The above findings are apparent from the face of the applications and amendments submitted to the SEA for approval. All were approved without critical comment.

IX. SEA Monitoring and Project Application Review

1. As stated above, the SEA apparently sent a member of its staff to monitor Concordia in the Spring of 1970. The Parish has never received a monitoring report. The SEA office was unable to produce the original or a copy of a monitoring report. There is no evidence that the SEA has ever communicated findings such as those set forth above to Concordia Parish.

2. The FY '71 project application was submitted to the SEA on August 27, 1970. The application was approved on August 28, 1970.

EAST FELICIANA PARISH

Review Team: R.L. McVity
H. Rodriquez
S. Schatken

Review Dates: Nov. 4-6, 1970

Address: E. Feliciana Parish School Board
P.O. Box 597
Clinton, La. 70722
Tel. 504-683-8277

Superintendent: M.N. Williams

Title I Coordinator: W.J. Ourso

Approved Project Allocation FY 71: $167,352

Number of Public Schools in System: 11

Number of Participating Title I Schools: 10

Enrollment FY 71: 3889

School-age Population: Negro, 65%; white, 35% (based on residence in district)

Number of Children to be Served: 975 (Black, 875; white, 100)

Total Enrollment in Title I Schools: 3,617

Project Title: Enrichment Program in Target Areas

LEA Staff Interviewed:

M.N. Williams, Superintendent
W.J. Ourso, Supervisor of Federal Programs
T.W. Prewitt, Title I Media Cooordinator
Mrs. Dobson, Coordinator's Secretary/Bookkeeper
Otis Jackson, Title I Van Driver

At Jackson Elementary School:

Woodrow Wilson, Principal
Sherley Poole, Assistant Principal

Catherine Fay Prewitt Carpenter, regular
6th grade math teacher
Hattie Reed, regular 2nd grade teacher
Patricia Smith, Title I remedial reading teacher

At Reiley Elementary School:

Alma Arbuthnot, Principal
Ruby A. Carter, Title I remedial reading teacher

At Norwood Elementary School:

George Robertson, Principal
Reola W. Wicher, Regular 4th grade math teacher
Sherry Lee, Title I remedial reading teacher

At Eighth Ward School:

James Sensley, Principal
Dorothy N. Williams, Title I remedial reading teacher
LaBlanche Smith, Regular reading teacher

At Clinton Junior High School:

Sidney White, Principal
Barbara Hayes, Regular home economics teacher
Margaret Clark, Regular 9th grade English teacher

Title I Advisory Committee Members:

W.J. Ourso, Supervisor of Federal Programs
M.D. Wallace, Attendance Supervisor
Evelyn Brian Ponder, Temporary School Nurse
Frank Scott, Principal
Minnie Douglas, Teacher
Hewitt Bashful, Teacher
Floretta Scott, Parent and School Janitor
Margerite Annison, Speach Therapist

SEA Staff Accompanying Team:

A. Kalpakis
F. Saia (11/5 only)

Documents Reviewed:

All project applications
Attendance data compilations
Equipment inventories
Teachers', students' class schedules
Fiscal records - payrolls, general ledgers, checks
    and bank statements, audit reports, construction
    contracts and specifications, purchase orders
    and invoices
Personnel rosters
Lists of Title I children (when available)
Advisory Committee minutes

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

45 CFR 116. 17 (d) provides:

> "A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district."

1. The Federal Programs Supervisor was not able to produce worksheets which could identify the basis for his data on Parish resident and low-income children.

2. On page 1 of the project application, all resident children were included in arriving at a district-wide low-income percentage of 48.2%. On page 2, despite the fact that the instructions require inclusion there also of all resident children for purposes of computing each school's low-income percentage, 200 resident children were omitted. The district-wide low-income percentage on page 2 is 50.4% (all eleven public schools were included in the totals computed on both pages).

3. Inclusion of all resident children in both computations would result in the elimination from the project of as many as four schools, thereby permitting greater concentration of Title I resources in the remaining target schools.

4. The SEA approved the FY 71 application. There is no evidence that the SEA has ever commented on the discrepancy described above.

II. Inadequate Needs Assessment

Title I regulations, § 116.18 (b), requires each LEA to provide

> "an assessment of the special educational
> needs of the educationally deprived
> children who would be eligible to receive
> benefits under Title I of the Act . . . . "

1. Thirty-one separate needs are assessed on 2 1/2 pages of the project application. No distinction is made in terms of priority of needs.

2. Twenty-one of the needs are listed without any statement of the bases upon which they were assessed. Examples: "Inability of the child to communicate in an oral manner"; "Need for further emphasis on cultural activities such as music, art and drama." (Application, pg.4)

3. According to the project application, 800 students in grades 1-6 (45% of the total in these grades) were tested and found deficient in social studies. The Federal Programs Supervisor, however, stated that no child is tested in this subject before he reaches the 5th grade.

4. The Federal Program Supervisor also told the reviewing team that the only basis for determining educational deprivation relating to library and health services is the level of achievement on the reading test administered by the Parish.

5. Users of Media Center equipment are selected on the basis of their enrollment in target schools, rather than their needs in specific educational areas. (Project Application, p. 17).

6. Generally, the needs assessments are vague, conclusory and unsubstantiated.

7. There is no evidence that the SEA criticized the statement of needs assessment when the project application was submitted or at any

time thereafter.

III. Improper Selection of Title I Participants

Section 116.17 (f) of the Regulations provides:

> "(f) The project for which an application for a grant is made by a local educational agency should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance."

1. The Title I coordinator stated to the review team that teachers are instructed not to recommend the slower learners for Title I remedial programs.

2. Actual selection of pupil participants for the Title I program in East Feliciana is done on an almost totally random basis. Teachers and principals interviewed expressed unawareness that educational (rather than economic) deprivation is the correct basis for selection of students to receive special services under the Program. It was apparent from the lack of actual lists of participating children at all schools (with the exception of Remedial classes) that very little in the way of pupil selection has been attempted. Programs have been made generally available to all or most children in the Parish Schools (see also IV, below). Teachers and principals (including those teaching Title I remedial reading) had not been consulted in any depth as to the assessment of individual student needs, were not aware of the identity of students actually participating in the Title I program, and were unacquainted with program guidelines and requirements.

IV. Use of Title I Funds for General Aid

> "Each . . . project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." Regulations, § 116.17 (g).

A. Construction

1. A new home economics facility is currently being constructed at Clinton Junior High School at a cost of approximately $54,000, financed 100% from Title I funds. Although home economics has been a program component in past years, school officials stated that there would be no project in this subject area in FY 71. The facility under construction contains two general purpose classrooms, a large cooking area, and a large sewing room. The building will serve any child in the school who elects to take the courses offered. The Parish Superintendant of Schools stated that this construction would enable the Board of Education to close an all black school and move those students to Clinton Junior. How a home economics facility could be used to accomplish this result was not explained.

2. At the same school, a separate wing was constructed in an earlier year with Title I funds, to house a cafeteria and general classrooms for vocational education, vocational agriculture and driver education. No Title I activities are funded which would utilize any of these facilities.

3. At Jackson Elementary School, the team viewed and inspected a wing which had been added at Title I expense in the previous year. This construction cost $100,000 in FY 70 and was originally intended for high school home economics and vocational education classes. It is now used for general purpose classrooms. The wing also houses the school library, which as indicated in the project application, is used to provide services to all children. School officials stated that the school's present general purpose cafeteria had been financed under Title I.

4. At Reiley Elementary School, the team inspected a "cafetorium" facility constructed in an earlier year with Title I funds. The facility

was originally planned to house "cultural enrichment" activities, in addition to expanding general cafeteria capacity. It is now used as a general purpose cafeteria, to provide facilities for the local 4-H Club, the Boy Scouts, and the PTA, and to serve as a community center. No Title I activities have been projected or carried on here for the past three fiscal years.

5. At Norwood Elementary School, a cafetorium similar to the one at Reiley was constructed with Title I funds.

6. At Eighth Ward School, Title I financed a cafetorium, a speech room office, a teachers' lounge and a supply room. In addition, boys' and girls' bathrooms were remodeled.

7. All facilities set forth above were approved by the SEA as Title I projects.

B. Equipment

The FY 71 project application budget allocates $26,528.23 for equipment, materials and supplies.

1. The regular math teacher at Jackson Elementary School uses Title I equipment to teach her classes. Other Jackson School personnel confirmed the fact that Title I equipment is used in regular classrooms on a permanent basis.

2. At Reiley Elementary School, Title I equipment is located in the principal's office and used by the entire school staff. Any teacher may call the Media Center and order filmstrips and other materials in all general subject matter areas, including mathematics, science and social science. The Title I payroll does not include instructional personnel in any of the latter three subjects.

Since no instructional personnel are funded for any of these activities, the projects only involve the use of equipment. However, as demonstrated by the findings set forth above, the equipment is in fact made available to every teacher and child in the school system. This indicates that: (1) the project application bears no relation to the program as implemented, and (2) since the LEA itself has determined that these projects should only encompass a limited number of children, it cannot be said that educational deprivation is so great and widespread in the Parish that all children may participate.

7. Although East Feliciana was purportedly monitored by the SEA in the spring of 1970, the Parish has not been instructed to alter its use of Title I equipment.

C. Instruction and Other Services

1. Two librarians are funded under Title I. Both serve all children in their respective schools.

2. Title I appears to be supporting general purpose courses in business education, home economics, and other vocational areas, but there is no indication that those are priority needs of educationally deprived children. According to one principal, no children are discriminated against in the selection of courses in his school; the vocational courses indicated above may be elected by all. An example of this would be home economics, offered at Clinton Junior High School, a Title I component which, although no new funding was specifically requested in the FY 71 project application, continues to benefit from facilities and equipment purchased under

3. East Feliciana has constructed a Media Center with Title I funds. In addition to serving as a central distribution point for equipment, materials, and supplies for all schools and classrooms in target schools, the media center also serves as a storage center for band instruments and athletic equipment, which are transported to and from football games in a Van purchased with Title I funds. Inventory control records maintained at the Media Center and in the schools themselves were found to be incomplete, inconsistent and inaccurate. In the schools themselves, lists of equipment charged to the school were incomplete and inaccurate.

4. The project application states that "100% of the elementary teachers teaching in the target schools will use materials and equipment from the Center during the project year." (Emphasis supplied.)

5. These examples of equipment use represent standard operating procedure throughout the Parish. Title I materials and equipment were being used for general classroom purposes in every school visited by the review team.

6. The FY '71 project application shows the following numbers of participating children in specified projects:

Instructional Activity	Participating Children	
	Grades 1-6	Grades 7-12
(1) Business Education		150
(2) Home Economics		200
(3) Mathematics	300	150
(4) Natural Science	500	200
(5) Social Science	450	175
(6) Other vocational education		100

Title I in the past. The home economics teacher interviewed indicated that she teaches "beginning" sewing, that any all students in the 9th grade may elect the course. It therefore appears that the foregoing courses are designed merely to meet the general needs of the schools rather than any special needs of educationally deprived children.

3. The SEA has evidently made no complaints to the Parish with regard to the above matters. No monitoring report has ever been sent to the Parish concerning Title I projects.

V. Supplanting

Section 141 (a) (3) of Title I provides:

> "Federal funds made available under this Title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case, as to supplant such funds from non-Federal sources . . . . "

1. The Title 1 remedial reading teacher at Reiley Elementary School uses the SRA Reading Lab series in her classes. All regular teachers in the school also use the SRA reading Lab series in their classes.

2. The Federal Programs Supervisor's salary is paid entirely under Title I. He supervises all Federal programs, including Titles ESEA II and Civil Rights IV.

3. The Title I secretary is paid entirely with Title I funds. She provides secretarial and bookkeeping services for Titles I, II and IV (Civil Rights).

4. The media center, though funded entirely under Title I, provides support not only for general activities but also for all other Federally

funded programs in which the district participates. The van driver is paid entirely from Title I funds. Title I also paid for the van. The driver uses the van to deliver Title II books, as well as football uniforms and band equipment mentioned above.

5. At Clinton Junior High School, three sewing machines purchased with Title I funds but unmarked were pointed out to the review team by the Title I coordinator. Other machines purchased by the school board from local funds, of similar make and model, were also in the room.

6. The Title I nurse and local officials stated that she will be providing a substantial portion (1/2) of the services previously furnished by the (locally-funded) county public health service.

7. Six heaters for a newly-constructed home economics facility have been purchased in FY 71. (See IV, A1, above). No Title I activities are projected which would utilize this facility. The school board apparently neglected to include the heaters in a contract funded under Title I. When this was discovered, the school board first voted to provide the heaters from its own funds and then decided to include their cost in the FY 71 Title I project.

8. The LEA received no complaint concerning these activities before or after SEA monitoring visit in the spring of 1970.

VI. Inadequate Involvement of Parents

> "Each local educational agency shall provide for the maximum practical involvement of parents of educationally deprived children in the area to be served in the planning, development, operation, and appraisal of projects, including their representation on advisory committees which may be established for the local Title I program."
> Regulations, § 116.18 (f)

The school board has appointed a Title I advisory committee, which includes two parents. However, the functioning of this committee has been merely pro forma and without actual substantive impact on the development or conduct of the Title I Program. The committee's last two meetings, for example, were on 7/29/70 and 2/13/69 (at which latter time no parents were represented). Members of the committee interviewed were uninformed as to the nature and purposes of Title I. Members were not supplied with copies of the FY 71 project application in advance of the 7/29/70 meeting, even though the purpose of that meeting was ostensibly to provide the committee an opportunity for review and approval of that application. The parent interviewed by the review team was also employed by the School Board as a janitor at Clinton Elementary School. She attended the 7/29/70 meeting and has heard nothing from the Committee since that date. She stated that she did not know how other parents in the Parish could be kept informed concerning the Committee's activities or the Title I program.

VII. Wasteful Expenditures

> "The budget for a project shall avoid imprudent, extravagant or wasteful expenditures . . . . "
> Regulations § 116.18 (a)

The following administrative personnel are salaried under for Title I:

Federal Programs Coordinator	$15,233.33
Media Coordinator	13,833.33
Secretary	6,100.00
	$35,166.66

These administrative salaries constitute 21% of the total FY 71 Title I budget.

VIII. Inadequate Objectives for the Program

Regulation § 116.18 (b) states that

> "Each such application for a grant shall describe the objectives of the project in relation to those special educational needs. It must demonstrate that the project has been sufficiently well planned to meet those objectives and that the project makes adequate provision for its implementation in an effective manner."

1. The Parish appears to be setting unrealizable objectives for its Title I program. The project application states that terms such as "better understanding" must be read to mean "100% mastery." This criterion is the Parish's objective for stated percentages of students in reading, math, science and social studies. Such unrealistic objectives would not permit a meaningful measurement of the effectiveness of the program in relation to its objectives.

2. There is no evidence that the SEA criticized this statement of objectives when the project application was submitted or at any time thereafter.

IX. SEA Monitoring and Project Application Review

1. As mentioned above, a member of the SEA Title I staff apparently visited East Feliciana in the spring of 1970. However, the Parish never received a monitoring report. The SEA office was unable to produce the original or a copy of a monitoring report. There is no evidence that any findings such as those set forth above were ever communicated to the LEA.

2. The project application was submitted to the SEA on August 26, 1970. The application was approved on August 27.

RICHLAND PARISH

Review Team - Paul Miller, Chief Area Desk V, Title I
Bill Johnson, Operation's Branch
Desk V, Title I
Kent Stormer, Office of General Counsel
(Education)

State Official - George Richard, Title I Specialist

Review Dates - November 5-9, 1970

Address: Richland Parish School Board
Box 599
Rayville, Louisiana 71269

Population of Parish - NA

Acting Superintendent of Schools - J. L. McConathy

Title I Coordinator - S. B. DeLee, Jr.

Title I Project Allocation - $568,316.76

No. of Schools - 12: Title I participating schools 12

No. of Children in Residence - (3485-White; 3886-Black) 7375

No. of Children Enrolled in Public Schools - 6988

No. of Children Participating in Title I - (901-White; 2111-Black) 3016

Project Title: Instructional Improvement

LEA Staff Interviewed - J. L. McConathy, Superintendent; S. B. DeLee, Jr., Federal Programs Director; John Wade, Jr., Guidance Director; Mrs. Mary Clarkson, Bookkeeper; Joan Woodard, Social Worker; Jerry Colson, Gale Clark, and Verllue Hayes, Media Center; James Smith and Marguerite Coenen, Title I Coordinators; Charles Tillman and Henry Hazlitt, Curriculum Directors; Principals of all Richland Schools.

Documents Reviewed: Project Applications, 1967-71; Program Evaluation of Program for Educationally Deprived Children, 1969-70; Inventory records for district; purchase orders for Title I.

I. Establishment of Target Areas

In order to focus the limited available funds on those areas with the highest concentrations of children from low-income families, the Title I Regulations require that a limited number of special target schools are to be designated by the district as eligible recipients of Title I funds. 20 USC 241e(a)(1); 45 CFR 116.17(d). In the computation of these target areas for Richland's 1971 project, two errors occurred, the net effect of which was to classify all public schools as target schools and thus render completely ineffective the target school concept. The first error occurred when children in private schools and dropouts were included in computing the district-wide percentage of children from low-income families, but were excluded in computing the comparable percentages for the individual schools. This procedure was adopted in spite of the fact that regulations prohibiting the practice were specifically pointed out to Richland Parish in a letter from Dr. Staehle of the Office of Education Title I staff, dated June 5, 1970. A second error in computation resulted when all children in the schools for the educably retarded were assumed to be from low-income families. This assumption was admitted, upon inquiry, to be without foundation. As a result of the above practices, Richland's project application lists all of its schools as having higher than the district-wide percentage of children from low-income families. Thus the concept of concentration of services is given no effect in Richland. This error appears clearly on page 1 of the project application for Richland, but it was approved without comment by the State educational agency.

II. Needs Assessment

In many instances, Richland's project application cites the same test administration to document the needs of the children for three consecutive years. For example, the figures in all 17 categories listed remain identical in 1970 and 1971:

Grades 1-6	1969	1970	1971
Stanford Diagnostic Reading: 2 years behind	1088	1088	1088
Stanford Achievement Reading: 2 years behind	1200	1200	1200
Stanford and Metro. Grade Placement: 1-2 years behind	853	853	853
Stanford and Metro. English: 2 years behind	882	882	882
Referred as unstable by teachers	766	766	766
Retarded		379	379
Poor Coordination		360	360
Absenteeism		420	420
Grades 7-12			
Stanford Diagnostic Reading: 2 years behind		979	979
Stanford Achievement Reading: 2 years behind		1020	1020
Stanford and Metro. grade placement: 1-2 years behind		698	698
Stanford and Metro. English: 2 years behind		877	877
Referred as unstable by teachers		366	366
Poor coordination		265	265
Absenteeism		332	332

Mr. John Wade, Chief Guidance Counselor, insists that these are accurately reported results for independent administrations of each examination in spite of the fact that the number of pupils taking the tests fluctuated greatly from year to year. However, the test data offered in the Richland Title I Evaluations does not exhibit such extraordinary consistency. Finally, Mr. Wade could not produce one worksheet nor written communication, either formal or informal, which would show how these figures were derived.

With regard to utilization of objective data in the project applications, Title I Guidelines require: "The evidence of need and the bases for the assignment of priorities must have been documented." Program Guide #44, §2.1. In Richland, however, no test data whatsoever is invoked to support the need for the Social Science, Natural Science or Mathematics components although these projects consume a substantial part of the annual allocation. Until substantiating data is forthcoming, such phenomena as the assignment of identical numbers of children in both the Math and Reading Programs (Fiscal Year 1970, Grade 1-6) will continue to make the entire needs assessment process appear arbitrary.

In addition, objective results alleged in the project application are frequently out of harmony with the number of children ultimately assigned to the program. No explanation is offered for this phenomena. For example, in grade 7-12, 1020 children are 2 or more years behind in reading ability while only 265

> exhibit poor coordination, inability to exhibit left-right dominance and demonstrated a lack of health-recreational knowledge.
> (Project Application 1971)

Nonetheless, the Physical Education program contains 1270 pupils while reading contains 812. Furthermore, Mr. John Wade, Guidance Director for Richland Parish, who was responsible for compiling the test data, has no records of any examination which would indicate the special need for physical education, nor does he personally recall any such test.

All of the above stated findings could be discovered by a cursory review of the Richland Parish applications. Yet these applications have consistently been approved without question by the State in spite of the requirement that:

> The State educational agency shall not approve such application unless it determines that the application does effectively meet the requirements of the Act . . . . 45 CFR 116.34(a)

III Program Operation: General Aid

Extensive preparation appears to have been made for the review team's visit to the individual parish schools. The hiring of several new teachers and the recent commencement of several Title I reading programs also made evaluation difficult.

For example, until about two weeks before our visit, the Title I reading lab at Rayville Middle School was used as a teacher's lounge. In spite of these handicaps, several salient points about the ongoing operation of the Title I program emerged. The most pervasive characteristic was that extensive amounts of Title I money are being used as general aid for the schools rather than focusing on the particular needs of the educationally deprived. Some specific examples of expenditures approved by the State will illustrate this point.

A budget revision for the FY 1970 application submitted on Apirl 13, 1970 contains the following request:

> Additional showers, toilets, and urinals will necessitate the addition of floor space. We urgently request that we be allowed to add $33,000 to our construction budget. An additional $5849.40 is requested . . . to pay for the architect's fee for his professional services. Fiscal Year 1970.

The questionable nature of such expenditures is apparent on the face of the revision papers submitted to the SEA. The regulations require that:

> Each project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specific grade in school. 45 CFR 116.17(g)

There is no evidence that shower and toilet facilities were related to a "special educational need." Furthermore, the need for such facilities is that of the "student body at large" and not particularly the educationally deprived. Yet the expenditure authorized is only about 10 percent less than was ultimately spent on salaries for Title I reading teachers in that year ($40,701.49 after budget revisions and retirement deductions).

The following expenditures are similar in nature to those set forth above.

> Additional playground equipment will need to be purchased: such as, indoor obstacle sets, outdoor swings, rope climber frames, and volley ball standards. Project Application Fiscal 1969 (the cost of such general playground supplies was $5000. In 1967 a similar justification led to the purchase of $18,876.50 in playground equipment).
>
> An addition of $2000 is needed to expend and support our present Physcial Education program in the summer. This will be used for the purchase of balls, bats, rackets, etc. to add to our regular supply. Budget Revision April 12, 1970

All of this equipment was ultimately put at the disposal of the entire student body, without preferential use for educationally deprived children. This is most obviously true in the case of the permanent outdoor playground equipment which can be used, in fact, by anyone in the neighborhood.

Another improper equipment purchase occurred in 1967 when 70 sewing machines were authorized at an estimated cost of $12,000. At that time there was no approved program for Home Economics nor Vocational Education in the program application. Thus again, equipment was purchased to be added to the school's general pool, without reference to an allegation of needs, nor any semblance of a specially approved program tailored to meet the requirements of the parish's numerous educationally deprived children. Again the State educational agency approved the application without protest.

A more costly expenditure was included in a budget revision request dated August 29, 1968:

> We of Richland parish would like to bring all our Title I schools into a closer working relationship by installing a short wave radio communications system. . ; We propose to install short wave radios in our schools, Media Center, School Board Office and the cars of Office and Media Center personnel.
> Equipment needed:
> 18 RCA or equal--Permanent Stations-Commercial wave band
> 9 RCA or equal Mobile Stations
> The approximate cost is $16,000

Such an expenditure would seem to violate 45 CFR 116.18(a) which provides:

> The budget for a project shall avoid imprudent extravagant or wasteful expenditures . . . "

Issues of propriety aside, however, the nature of this equipment itself suggests that much of the real impetus for its purchase lay outside of the bounds of Title I. This suspicion is confirmed when it is observed that 18 stationary short wave units were requested in a year when there were only 8 approved Title I target schools. The excess number is explained by the fact that there were a total of 15 schools in the district at that time, 7 of which were not approved and should have little concern with Title I. It should be noted that the application clearly states the equipment is to be used "in our schools" and not merely "in our Title I schools."

Equipment approved by the state and purchased for use in the Science and Mathematics programs also falls into the prohibited category of general aid "for a specified grade in a school". 45 CFR 116.17(g). No Title I teachers are hired for these programs, but Title I funds are used to supply the regular classes. The justification cited for laboratory materials, additional reference works and scientific facilities in 1969 for example, reads:

> All children in grades 9, 10, 11, and 12 enrolled in science courses will participate in this activity.

In addition to these specific equipment expenditures, there is a general confusion and lack of precision permeating the administration of the Title I program which allows the project to dispense considerable general aid in an unfocused manner. For example, there exists no list or other identification, either in the schools or in the central office, of the children who are to participate in the various components. If the identity of the educationally deprived children is not known, any assertion that their unique needs are being specifically provided for is undermined. In the reading program, teachers send children out of the class to the Title I lab when they see fit, accompanied by what is referred to as a "prescription". This document contains a list of media center aids which are to be studied. Thus the eligible group is determined by the teachers on an ad hoc basis. Although some teachers attempt to focus on the educationally deprived, many do not, and are unaware that they should be doing so. The "prescription" thus degenerates into a mere assignment which sends all children to the lab on an undefined, rotating basis. The director of one of these reading centers, as well as many teachers, confirmed the existence of this phenomenon. Thus the program, in practice, maintains a very weak focus on the educationally deprived child for whom it was intended.

The merger of Title I with the rest of the regular programs occurs with regard to staff as well as facilities and equipment. For example, there is great confusion at most levels as to who is on the Title I staff. Frequently the identity of the Title I staff has merged with that of the regular staff, suggesting that their duties have undergone a similar process. Principals in several instances were unable to identify, or identified incorrectly, the members of their Title I staff. A comprehensive list of Title I personnel in the district, provided by Richland Superintendent McConathy, contains the name of Faye Newman, who vehemently denies that she is paid by Title I. Since she is the receptionist for the School Board, her placement on the Title I payroll would be inappropriate. Thus it is most probable that even the Superintendent's enumeration of Title I staff is in error.

Furthermore, Mr. Seab DeLee, who is paid entirely from Title I funds ($13,500 annually), styles himself "Federal Programs Director". His duties include writing programs and contracts for ESEA II, NDEA III, EPDA, Title IV, and Emergency School Assistance. Thus he is paid completely out of Title I but has extensive duties which are unrelated to that program. To the same degree his secretary, Mrs. Clarkson, is inappropriately paid entirely from Title I. Her duties were observed to include, for example, extensive bookkeeping for the Title II project.

IV. Program Operation: Purchase and Use of Equipment

The purchase and use of Title I equipment in Richland Parish also gives rise to other problems. The Regulations require in 45 CFR 116.55(b) that an inventory be maintained on all equipment costing over $100 purchased with Title I funds. The Richland inventory system seems to have been the object of substantial revisions prior to and during our visit, which suggests that major parts of it had been allowed to get out of date. The card catalogue of equipment, for example, was in the process of being updated but had only spotty entries after 1967. The main source of inventory information was contained in a set of folders which listed the equipment with its serial number and its location. This system, however, also had several deficiencies. No listing in the inventory could be found for numerous very expensive pieces of equipment. In some cases no folder could be located (sewing machines and opaque projectors) while others listed fewer items than the purchase orders asserted had been paid for (refrigerators and ranges). Also, no attempt was made to maintain an inventory for several items. For example, $16,000 of short wave equipment was not listed at all on the excuse that it was "attached" to the facility where it was located. This distinction has no basis whatever in the regulation cited above which requires inventories of the local agencies for "all equipment costing $100 or more per unit." Furthermore, the budget request referred to 9 mobile units as well as 18 permanent sets. Finally, many entries were so lacking in specificity as to model and make, and so undecipherably messy, that they were severely limited in their usefulness. There is no evidence that monitoring by the State ever resulted in any critical comment on these procedures.

An effort to compare the items specifically requested in the budget with those actually located in the schools was frustrated by the inadequacy of the records. One discrepancy did emerge, however: several substantial items of equipment which were never authorized in a budget had apparently been purchased with Title I funds. First, a total of 81 sewing machines have been purchased since 1967, although only 70 were approved. As noted above, the approval of the initial 70 was improper since they were not purchased pursuant to an approved program and 73 were purchased at that time. The purchase of 8 more machines in 1970, however, costing a total of $1100, was never even submitted for approval in a budget. A second example of this phenomena involves the purchase of stoves, refrigerators, and a dishwasher costing a total of over $1000. These were not approved and do not fall within an approved program. The possibility that they were part of a construction contract for the media center is refuted by the fact that separate and distinct withdrawals of Title I funds were authorized for their purchase. Furthermore, the media center was completed long before the dates on which the orders were issued.

V. Program Operation: Parent-teacher Involvement

In the past, the involvement of parents and teachers in the planning of the Title I program has been minimal in spite of the requirement that:

> The priority needs of educationally deprived
> children . . . were determined in
> consultation with teachers, parents . . .
> Program Guide #44 2.1

Such involvement in the 1971 Project Application was limited to a proposal for a monthly meeting with Title I parents. However, this proposal was also contained in the 1970 application and no meetings have been held, nor is there any scheduled date for their commencement. Thus many parents and teachers feel that inadequate channels of communication exist. Some refer to themselves as excluded outsiders and explicitly or implicitly say that the program is a "gravy train" for friends and relatives of the program administrators. To the extent that these claims are exaggerated, they illustrate the extremity of the communication problem and the distrust in which it has resulted. They are not, however, entirely without support in the facts. For example, the wife of the Federal Programs Director is the principal of both special education schools and his mother-in-law is the Title I Coordinator; the husband of his maid is on the advisory committee; the Title I media center librarian is the wife of the principal of one of the Rayville schools, and siblings of Superintendent McConathy, Supervisor Hazlitt and Principal Nash all earned $600 last summer ('70) by working on a Title I project.

The Title I Advisory Committee could assist greatly in overcoming some of these problems and providing a method of access for those who currently feel they are excluded. However, its composition is such that this purpose is not served. First, many citizens question its independence, since school authorities have very distinct influence over most of its members. Mr. Seab DeLee and Mr. Henry Hazlitt, for example, are school authorities, directly serving school boards in the respective capacities of Federal Programs Director and Parish Supervisor. The mother-in-law of a third member is on the Parish School Board. Finally, all three black members of the committee are directly or indirectly economically dependent upon the school authorities: Mrs. Rebecca Brown is a Title I

Librarian, Mr. Herbert Nash is a principal, and Mr. George Wilhite's wife is the maid of the Title I Director.

A second criticism of the compostion of the committee results from the fact that few of its members have incomes such that their children would qualify for Title I assistance:

> It is suggested that at least 50 percent of the membership of the committee consist of parents of disadvantaged children . . . representatives of the Community Action Agency, and parent members of the Head Start advisory committee. Program Guide #46 Sec. 1A

Assuming that Title I and School Board employees are paid well enough so that they have not become economically deprived, there can be at most one person who fits in any of the above categories.

In summary, there is a tremendous gap between a large contingent of parents and the administrators who plan the Title I program. Present channels of communication are weak and have proved inadequate to bridge this gap. The result has been a mutual attitude of distrust and antipathy under which both side continue to labor. This situation can only serve to the detriment of Title I children.

VI. SEA Monitoring and Project Application Review

The SEA purportedly monitored Richland some time during 1970. However, the Parish Federal Programs Director informed the review team that no monitoring report was written following this visit and the SEA office was unable to produce an original or copy of any such report.

The Project Application was approved by the SEA within 2 days after it was submitted to them.

MADISON PARISH, LOUISIANA

Review Team - Paul Miller, DCE
William Johnson, DCE
Kent Stormer, G.C.

State Official - Mr. George Richard, Louisiana
State Department of Education

Review Dates - November 9 and 10, 1970

Address: Madison Parish School Board
301 South Chestnut Street
Tallulah, Louisiana 71282

Population of Parish - 9,413

Superintendent of Schools - M.A. Philips

Title I Coordinator - Kirk R. Morley

Title I Project Allocation - $392,041.18

Number of Schools in District - 8 (all participate in Title I)

Number of Children in Residence - 4,893

Number of children enrolled in public schools - 3,786

Number of children participating in Title I - 2,983

Project Title - Cultural and Academic Enrichment Program

LEA Staff Interviewed - Mr. M.A. Phillips, Superintendent of Schools
Mr. Kirk Morley, Title I Coordinator
Mr. Boone Halbach, Supervisor of Secondary Education
Mrs. Valarie Kimbell, Supervisor of Elementary Education
Mrs. Francis Robinson, Supervisor of Elementary Education
(retired as of last July)

Documents Reviewed - All Project Applications
Equipment Inventories
Title I Bookkeeper's ledger
Evaluation of Programs - Title I, 1969
Annual Evaluation Instrument of Programs for
Educationally Deprived Children Title I, ESEA, 1969-70
Evaluation Instrument - Summer Term 1970

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

45 CFR 116.17 (d) provides:

"A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district."

This section of the regulations requires the limited available funds to be focused on those areas with the highest concentrations of children from low- income families. In Madison parish, the district low-income percentage was calculated by dividing the number of resident children (4,893) into the total number of low-income children (2,982), which resulted in a 60.9 percent factor. In calculating the percentage of low-income children in each attendance area, however, 928 children were not distributed to any attendance area although they had been reported as living in the district and had been counted in the district-wide average. The result of this calculation, was that the average for every attendance area exceeded the district wide average and all schools became eligible project areas. Thus the concept of concentration of services is given no effect in Madison parish .

Although this violation is apparent on the face of the project application, the State Education Agency approved the application without comment.

II. Inadequate Needs Assessment

Title I regulations, § 116.18 (b), requires each LEA to provide

> "an assessment of the special educational needs of the educationally deprived children who would be eligible to receive benefits under Title I of the Act....."

The needs assessment for FY 71 was based upon the achievement tests (SRA) which showed that a majority of students scored in the bottom 12 percentile on the national norms in reading, Math, Science and Language Arts. To support the Physical Education and Summer recreation component, there was test data to indicate that average performance on the American

Association for Health, Physical Education, and Recreation (AAHPER) Youth Fitness Tests was at the 49.8 percentile. Special Education participants were also identified on the basis of tests. However, there was no hard data available to support the other components in Madison Parish in terms of meeting the most pressing needs of educationally deprived children. These components comprise a substantial portion of the annual Title I grant and include Driver Education, Welding, Business Education-Office Practice, Health and Social Work, Class size reduction, Music and Summer Recreation.

Finally, no comments nor justifications are offered to substantiate the priorities of need selected, although Program Guide, #44 requires that "the...bases for the assignment of priorities (shall) have been documented."

III. General Aid

Title I regulations require, in 45 CFR 116.17 (g) that

> "Each ... project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school."

A. Construction and Equipment

"Expenditures for equipment will be limited to the minimum necessary..." Program Guide #44, § 5.6

"Title I funds will be used for construction only when necessary... to meet the highest priority needs...." Project Guide #44 § 5.7

Although a fiscal audit was considered beyond the scope of the review team, the following represents a close approximation of the amounts approved for total projects, and the Capital Outlay Components which include construction and equipment during the first four years of the program. A significant expenditure for consumable materials was approved, but it is not included in this table.

FY	Total Amount Alloted	Construction	Equipment	Total Equip. Construction	Percent Const. Equip. Total
66	457,487	77,702	190,951	268,653	58.7
67	449,691	118,848	68,381	187,229	41.6
68	430,040	6,490	47,875	54,365	12.6
69	387,447	42,509	10,800	53,309	13.7
TOTAL	1,724,665	245,549	318,007	563,556	32.6

As can be seen from the table, a significant amount of construction was accomplished with Title I funds during first four years of the program.

Capital outlay equipment has also consumed a relatively large part of the budget. From the table it can be seen that nearly 1/3 of the total budget during the first four years was devoted to capital outlay. When the expendable materials, administrative costs, fixed charges, and other auxillary costs are taken out it is evident that less than one-half of the Title I funds were expended for actual instructional personnel who might have an effect upon upgrading the achievement of disadvantaged children.

Furthermore, those funds were expended in such a way as to constitute general aid. An analysis of such expenditures for each component of the program illustrates this point:

Physical Education

The Program of Physical Education is required of all students during the regular school year. A large quantity of PE equipment and materials, bats, balls, gloves, playground equipment, etc. have been purchased under Title I for use in this regular program. Three basketball courts have been constructed with Title I funds - 2 at Wright Elementary and 1 at Thomastown. These items are used by all children in the schools without preference to the educationally deprived.

Title I also funded the construction of an addition to McCall Junior High to provide more adequate dressing room, locker, and shower facilities. Laundry equipment was also provided. Salaries of two men are currently provided through Title I to provide laundry services for all PE and athletic programs at McCall Junior High and McCall Senior High. There is no evidence that these facilities relate to the "special educational needs" of educationally deprived children.

Aides:

Six aides are employed under Title I--one in each school except Australia Island and Waverly. These aides serve all teachers and provide only clerical services in the form of typing and duplication of tests, instructional materials, etc. The aides are selected by the principal and purportedly reduce the amount of time all teachers expend upon clerical duties. Undoubtedly, the teachers' clerical duties are reduced; however, no evidence was found as to how this focuses particularly on the needs of the educationally deprived as opposed to those of the student body at large.

Welding

A course in welding is open on an elective basis to Juniors and Seniors at Thomastown High School. A shop was constructed, equipped, and is staffed by Title I. It was established by a survey of student interests rather than by analysis of their needs. Electronics and auto mechanics led the list but were deemed too expensive. Those children who have taken advantage of the course were not educationally deprived. In fact, the principal stated that "almost all" had gone on to college.

Library

A library addition at Wright Elementary School was constructed and equipped with Title I funds. Books were purchased through both Title I and Title II, and it is currently staffed with one librarian with Title I funds. This is a general service to all children in the school and no effort is made to concentrate its use on the educationally deprived.

Materials Center

The "Materials Center" or "Media Center" was constructed with FY '66 Title I funds and consists of a relatively large addition to the parish school administrative offices. It includes space for conferences, office for Title I Coordinator and his immediate staff, storage for materials and equipment (apparently the only such space in the district), an area for minor repair and maintenance of equipment, an area for duplicating material which houses an offset press and video tape recorder both purchased with Title I funds, and a garage for a Title I panel truck which is used to make daily delivery and pick-ups of materials and equipment to all schools. Two Title I persons are employed to carry out delivery and minor repair functions, plus duplicating, sorting, receiving, and shipping activities for the district. Also one Title I person is employed for custodial duties of this facility and the Health Center nearby.

The major purpose specified in the application of this center is to improve the quality of instruction in the Parish and particularly in target schools. It includes an emphasis on in-service training and materials and equipment for use parish-wide. There is no attempt to limit services rendered by the media or materials center to Title I purposes. The materials center, for example, duplicates materials for use in all regular classrooms. All classrooms have equipment and materials, particularly audio-visual equipment, purchased under Title I which are used generally and distributed without regard to the criteria imposed by the Title I Regulations.

The equipment purchased with Title I funds is not utilized to focus in and concentrate on the learning problems of the educationally deprived, but rather to provide general aid to all teachers and pupils in the system.

B. Instruction and other Services

Although the existence of educationally deprived children is established for some components by testing, there is no actual listing of the students designated as being eligible for the services, nor upon whom the services are to be concentrated. Frequently the result is that all children participate and the criteria of educational deprivation is ignored. For example, the Title I reading program is used by all elementary level children despite the fact that a significant number scored above the 50th percentile in the SRA achievement test.

Five teachers are employed system wide to reduce class size at McCall Junior High (2), McCall Senior High School (1) and Thomastown (2). The purpose as outlined in the application is to reduce any grade to a size below 30. The Regulations above specifically prohibit use of Title I money to meet the needs of "a specified grade in a school." Furthermore, these teachers are merely teaching regular classes in Social Studies, Reading, Physical Education, etc. . . Finally, the reduction in class size accomplished is insignificant.

During the past summer a pre-school program of eight weeks duration was held for approximately 200 students. Any child in the parish who met the age requirement was accepted. There was no major recruiting effort to assure that those children who had the greatest need were enrolled; neither was the target area concept observed in any way. This was a general problem open to the entire district.

IV. Supplanting State and Local Funds with Title I Funds

Section 141(a)(3) of Title I provides:

> "Federal funds made available under this Title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case as to supplant such funds from non-Federal sources . . . ."

Guidance and Counseling

Two guidance counselors are employed under Title I, one at McCall Junior High and the other at Wright Elementary. They have the responsibility for working with the entire student bodies, and their major role is testing. Although it was not precisely clear as to how many regularly funded personnel were employed in the parish with similar duties, it was established that at least one such person is employed at Tallulah with regular funds. Thus, Title I funds are being used to pay for services that would ordinarily be provided with State and local funds.

Music

This component was established as a cultural enrichment activity. Band instruments, uniforms, and choral robes have been purchased with Title I funds at McCall Junior-Senior High Schools and Thomastown. Similar equipment and materials were purchased by parents or parents organizations at Tallulah High School (formerly all white), and no public funds were used for this purpose. The current Title I music program consists of one choral music director, at Thomastown. Similar services are provided at other high schools with State and local funds.

Driver Education

This activity was initiated under Title I as a result of requests from school principals and not as a result of the overall analysis of needs of the educationally deprived children, as discussed in Part II, and thus should never have been approved. Furthermore, two driver education instructors are employed under Title I to serve McCall Junior High, McCall

Senior High, and Thomastown, while one teacher is employed with State and local funds to provide the same instructional program at Tallulah High School.

Welding

This is a Title I offering at Thomastown only and similar courses are offered at McCall and Tallulah High Schools with regular funds. A large portion of the equipment at Thomastown was purchased through Title I. The remainder was financed by State and local funds.

Library

A library addition at Wright Elementary School was constructed and equipped with Title I funds. Books were purchased through both Titles I and II, and it is currently staffed with a Title I librarian. A similar facility was established and is operating at Tallulah Elementary School with regular funds.

VI. SEA Monitoring and Project Application Review

A member of the SEA staff conducted a one-day monitoring review in Madison Parish during the past year. No monitoring report was written. The LEA received no criticism concerning practices such as those set forth above. The project application was approved by the SEA within two days after it was submitted.

CADDO PARISH

REVIEW TEAM: John Pride
Terry Lynch
Michael Lottman

REVIEW DATES: November 5-6, 1970

ADDRESS: Caddo Parish School Board
501 Courthouse
Shreveport, Louisiana
Tel. 318-423-5121

SUPERINTENDENT: Donald L. Kennedy
TITLE I COORDINATOR: Tom O. Matlock

PROJECT ALLOCATION: $1,480,490.67

NUMBER OF PUBLIC SCHOOLS IN SYSTEM: 80

NUMBER OF PARTICIPATING SCHOOLS: 28

ENROLLMENT: Black - 30,581 White - 35,750 Total - 66,331

PARTICIPANTS: Black - 5,510 White - 1,000 Total - 6,510

PROJECT TITLE: Elementary-Secondary and Enrichment

LEA STAFF INTERVIEWED: Mr. Donald L. Kennedy, Superintendent; Mr. L. Gregory, Assistant Superintendent; Mr. Tom O. Matlock, Supervisor of Federal Projects; Mrs. Clydie Mitchell, Special Education Supervisor (Speech); Mr. Hollingsworth, Attendance Supervisor; Pupil Personnel Center staff; Mrs. R. Thomas, Social Worker; Mrs. Price, Education Coordinator; Mrs. Freeman, Speech and Learning Coordinator.

At Barret Reading Center: Mrs. Eva Nell Clark, Counselor; two reading reachers.

At Individually Prescribed Instructional Center: Mr. J. B. Harville, Coordinator.

At Hamilton Terrace School: Mr. Nicholas K. Lester, Principal; classroom teachers.

At J. S. Clark Speech Center: Mr. James Redden, Speech Therapist.

DOCUMENTS REVIEWED:

All project applications
Project completion reports
Equipment inventories:
Student rosters for Caddo Parish Reading Center, Individually Prescribed Instruction Center, J. S. Clark Speech Center, Alexander Speech Center
Bookkeeper's ledger
Peabody Evaluation Survey

SEA OFFICIAL ACCOMPANYING REVIEW TEAM: Mr. Fred Miller

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

Title I regulations provide in 45 CFR § 116.17(d) as follows:

> "A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district. In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district."

1. Eligible attendance areas were selected in 1965, on the basis of 1960 census tracts, and have not been changed since, despite pupil shifts caused by desegregation plans and changes in residential areas.

2. Work sheets for selection of eligible attendance areas were not available.

II. Inadequate Needs Assessment

Title I regulations, in § 116.18(b), require the LEA to provide

> "an assessment of the special educational needs of the educationally deprived children who would be eligible to receive benefits under Title I of the Act."

1. Assessments of needs in 1970-71 project applications are based on generalized observations, rather than test results or other specific information. For example: "75% of the children in eligible attendance areas have not listened to classical music."

2. For one of the major components of the parish's Title I budget (a total of $449,937.60), assignment of art, guidance, music, and physical education specialists to Title I elementary schools, the assessment of needs was conducted as follows: Principals of Title I schools and supervisors of Title I components submitted written proposals which were then reviewed by an advisory committee composed of principals. The principals were not required to document their assessments of needs, and were given no specific guidelines for assessing needs or developing legal Title I proposals. Through this process, it was

determined that the greatest need was an opportunity for each Title I elementary principal to select specialists from two of the four above-mentioned areas (plus extension of the "Project Read" component to all Title I junior high schools). Principals who had initially requested services in other areas were limited in their final selection to art, music, guidance, and physical education.

3. Mrs. Clydie Mitchell, the speech therapy supervisor, showed the review team a number of her proposals that had been rejected by the school administration; many included detailed assessment of needs and evaluation procedures. Mrs. Mitchell said she was told to stop putting so much research into her proposals.

III. Improper Selection of Title I Participants

Section 116.17(f) of the Regulations provides:

> "The project for which an application for a grant is made by a local educational agency should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance."

1. Although Caddo Parish's 1970-71 application lists specific numbers of students at Title I schools (less than the total enrollment) as participants in Title I activities, the statements of the administrators and the observations of the review team strongly indicated that if a Title I activity was provided at a given school, it was, almost without exception, made available to all students in that school.

2. There is no evidence of a serious effort to identify the children within Title I schools who are educationally deprived with respect to the Title I programs offered.

3. The major criterion for selection of participants in the Caddo Reading Center program is intelligence quotient. Students testing to below-average IQ's are ineligible for the program.

IV. Provision of Title I Services to Ineligible Students

Section 116.17(a) of the Regulations provides:

> "An application . . . shall set forth a project for educationally deprived children residing in a project area composed of school attendance areas having high concentrations of children from low-income families . . . , which project shall have been designed specifically to meet special educational needs of those educationally deprived children. The project itself shall be carried out at locations where the needs of the educationally deprived children can best be served. It may involve the participation of educationally deprived children residing outside the porject area if such a participation will not dilute the effectiveness of the project with respect to children residing in the project area."

1. Of the 39 students participating in the Caddo Parish Reading Center program, 25 attend non-target schools.

2. Of the 65 participants in the activities of the Individualized Instruction Center, 58 are drawn from non-target schools.

3. The Alexander speech therapy center, constructed, equipped, and staffed with Title I funds, is located in a non-target school, and serves all of Caddo Parish and the adjacent parish, Bossier, as well. One child receiving therapy at Alexander is listed as living

out of the state, in Waskom, Texas; and at least 35 of the 45 active participants attend non-target schools. Therapy is given at both the Alexander and J. S. Clark centers during the school day, and the students or their parents are responsible for providing transportation from the students' school to the speech center and back again. No transportation is provided by the school system, though the local anti-poverty agency transports seven children.

V. Expenditures Unrelated to Title I Activities

1. The parish's speech and voice improvement program for teachers, budgeted for $17,179.80 in the current school year, has served some 305 teachers since it was begun in 1968-69 with Title I funds. This year's budget is largely for salaries and materials, although ten Bell & Howell Language Masters are being purchased at $310.00 each. The 1969-70 budget accounted for much of the equipment presently in use, including a Craig Video Unit costing $2,234.45, a $450.00 phonic mirror, and a $440.00 typewriter; and the 1970 summer program budget listed another ten Language Masters at $310.00 each, and ten Bell & Howell Cassette Player/Recorders for a

total of $570.00. According to school administrators, when this program was started, the "emphasis" was on teachers involved in Title I projects, but with increased desegregation, the emphasis has shifted to those teachers making "crossovers," particularly black teachers assigned to teach white students. In this, the first full year of complete desegregation, approximately 80% of the current participants are black, the highest percentage of blacks to date.

2. The parish's Title I administration costs are budgeted at $76,014.20 for the 1970-71 fiscal year. The supervisor of federally assisted projects, Mr. Matlock, is paid $15,450.00 out of Title I funds, although he also supervises activities under the National Defense Education Act, the Vocational Education Act, Title IV of the Civil Rights Act and the Emergency School Assistance Program, Title II of the Elementary and Secondary Education Act, and possibly other programs. The administrative budget also includes an office manager, an inventory man, two secretaries, two bookkeepers, and a clerk-typist. At least one of the secretaries works on federal programs other than Title I, and the Title I

coordinator could not produce adequate justification for all staff positions.

3. The 1970-71 Title I budget includes payments to the Shreveport Symphony of $10,000.00 for concerts given in a civic auditorium, and $6,400.00 for visits by ensembles to Title I schools. The only educational justification advanced for these expenditures was the superintendent's statement that they would give the children in Title I schools "a chance to hear the music the most sophisticated children of Shreveport hear."

VI. Use of Title I Funds for General Aid

> "Each . . . project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." Regulations, § 116.17(g).

1. The Alexander and J. S. Clark speech centers, both constructed, equipped, and staffed with Title I funds, serve the entire school system. All children in the system are examined by an itinerant speech therapist (not paid out of Title I) while in the second grade, and

those with problems that cannot be treated in school are referred to one of the speech centers. As noted above, the Alexander center also serves children from outside the school system.

2. The Pupil Personnel Center, the Individualized Instruction Center, the Barret Reading Center and Caddo Parish Reading Center, and the Northwestern State University Evaluation Team serve students from all schools in the system or operate on a district-wide basis.

3. Title I music specialists in the elementary schools work as regular school staff, in support of the regular school music program. The 1970-71 project application states, "The elementary music specialist will serve as a regular teacher in the area of music."

4. Title I physical education instructors work as regular physical education instructors. The 1970-71 project application defines the objective of the physical education activity as raising the fitness level of 75% of all 4th, 5th, and 6th graders in Title I schools.

5. Title I art activity is designed to provide regular art instruction to target schools. According to the project application, theobjective of the art program

is to improve the non-verbal communication skills of 75% of the children in Title I schools.

6. The cultural enrichment program symphony concerts serves the participating schools in general, rather than a specifically identified group of disadvantaged children.

7. Most Title I-financed equipment viewed by the review team was being used for general classroom purposes, rather than for specific Title I activities.

8. Fee waivers in art and home economics, which account for $16,000 of the 1970-71 Title I budget, are related to economic need only, and not to educational deprivation. Both subjects are taught in Title I schools as regular, rather than compensatory courses, and in fact both are required subjects. Without Title I, all students would still have to be admitted to these courses, whether or not they could afford the fee. The additional funds resulting from the fee waiver under Title I are used to increase the quality of arts and home economic instruction for all the students required to take it.

9. Caddo's 1970 Title I summer program included "non-fee" summer schools at certain Title I schools. No tests were used to determine if those enrolling were

either economically or educationally deprived, though pre-registration was held at Title I schools. Regular summer school classes, on a fee basis, were offered at some non-Title I schools, and there was no basic difference between the fee and non-fee curricula.

10. Under the school system's $60,000 contract with the Caddo-Shreveport Health Unit, paid for with Title I funds, all kindergarten and first grade students in Title I schools are given physical examinations and immunizations in school.

11. Title I funds were used to set up and operate a demonstration school (Eden Gardens) in the summer of 1970. This school served as a headquarters for the dissemination of outstanding teaching techniques, for the use of all teachers in the system. In the 1970-71 Title I application, $18,548.95 is budgeted for the Eden Gardens Media Center, for development of materials.

VII. Supplanting

Section 141(a)(3) of Title I, ESEA, provides:

> "Federal funds made available under this Title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case, as to supplant such funds from non-Federal sources . . . ."

1. Title I funds in 1965-66 were used primarily for construction, and resulted in the system's first kindergartens and centralized libraries, located at Title I schools. As a result of protests by parents of students attending non-Title I schools, libraries and kindergartens were installed in all Caddo schools over a two-year period--at Title I expense in target schools, at state and local expense in the others. When all the libraries and kindergartens were completed, those at the target schools were no longer carried as a Title I budget item (that is, not after 1968-69).

2. The Title I attendance supervisor, Mr. Green, is one of four attendance supervisors working under Mr. Hollingsworth, the attendance supervisor for the parish; all the others are paid from state and local

funds. Some of the other supervisors are assigned to some of the Title I schools Mr. Green is assigned to, but he basically performs the same function for the Title I schools as the others do for non-target schools. His clerk, Miss Draper, is one of five attendance clerks, the other four being paid out of state and local funds; during the regular school year, she works on all attendance matters, and is not assigned to particular schools or to a particular supervisor (though she has some duties with regard to Title I summer schools).

3. Northwestern State University has provided evaluative and diagnostic services for Caddo Parish on a system-wide basis since 1963, before the advent of Title I. State and local funds now pay for about half of the NSU team's budget (about $93,000 in 1969) while Title I funds pay the rest (budgeted for $67,149.00 in 71). The NSU team has performed the same function since 1963, though the operations have been expanded with Title I money. School administrators were unable to state what benefits educationally deprived children derive from the Title I contribution that are different from those they or other children derive from the State

and local contribution.

4. Supervisors for the home economics and art programs are paid out of State and local funds. But "coordinators" for home economics and art are paid out of Title I funds for overseeing these district-wide, general programs at Title I schools.

5. The district employs 29 speech teachers; 11 are paid by Title I, 18 by State and local funds. Three Title I speech therapists are assigned to the Caddo School for Exceptional Children, a district-wide school for the physically disabled, which is not itself a Title I project. Two are assigned to the classes for the deaf at Sunset Acres school, a non-Title I project in a non-target school which also has the services of six speech teachers paid out of State and local funds.

6. One physical education teacher at J. S. Clark was hired in 1969 to replace a teacher who had been paid out of State and local funds; he was paid out of Title I funds in 1969-70, but this year, performing the same duties, he is being paid out of State and local funds. A counselor at Clark was paid out of Title I funds in 1969-70, and is being paid for the same duties this year

out of State and local funds.

VIII. Inadequate Involvement of Parents

> "Each local educational agency shall provide for the maximum practical involvement of parents of educationally deprived children in the area to be served in the planning, development, operation, and appraisal of projects, including their representation on advisory committees which may be established for the local Title I program." Regulations, § 116.18(f)

1. Although the school system has established a Title I Advisory Committee, none of the administrators could cite an example of an advisory committee suggestion's being reflected in an actual Title I program.

2. There is no evidence that the committee had any impact upon the project development, review, or approval process or that committee members have any present or continuing relationship to the program.

IX. Failure to Serve Children Enrolled in Private Schools or to Involve Private Schools in Planning the Title I Program.

Section 116.19(a) of the Regulations states:

> "Each local education agency shall provide special educational services designed to meet the special educational needs of educationally deprived children residing in its district who are enrolled in private schools. Such educationally deprived children shall be provided genuine opportunities to participate therein consistent with the

> number of such educationally deprived children and the nature and extent of their educational deprivation."

Section 116.19(b) further provides:

> "The needs of educationally deprived children enrolled in private schools, the number of such children who will participate in the program and the types of special educational services to be provided for them, shall be determined, after consultation with persons knowledgeable of the needs of these private school children, on a basis comparable to that used in providing for the participation in the program by educationally deprived children enrolled in public schools."

1. Private school officials are not consulted in the planning of Caddo Parish Title I applications.

2. Father Murray Clayton, a member of the Shreveport Deanery Catholic School Board and principal of St. Joseph's school, told the review team that the services offered by the health unit, at least to parochial students, are those that any citizen can get, and that the figure in Caddo's 1970-71 application of 660 private school children participating in Title I activities is much higher than the actual number.

3. Father Clayton said there is a great need among parochial school students for Title I services such as remedial reading and speech therapy, but that these needs are not being met by the Title I program.

X. Failure to Evaluate Title I Projects Effectively

Section 116.22(b) of the Regulations provides:

> "The measurement of educational achievement under such a program shall include the measuring or estimating of educational deprivation of those children who will participate in the program and the comparing, at least annually, of the educational achievement of participating children with some objective standard or norm. The type of measurement used by a local educational agency should give particular regard to the requirement that the State educational agency report to the Commissioner on the effectiveness of the programs in that State in improving the educational achievement of educationally deprived children."

1. There is no evidence that objective and detailed evaluations have been undertaken with respect to any Title I project except remedial reading.

XI. SEA Monitoring and Project Application Review

1. Mr. George Richard of the state Title I office and other personnel visited Caddo Parish toward the end of the 1969-70 school year. This was the first time the state had conducted any type of on-site, in-depth review. There is no evidence of a written report from this visit, or of any corrective action taken pursuant thereto.

2. The 1970-71 project, including the violations noted above, is operating essentially as it was described in the application submitted to the State.

CLAIBORNE PARISH

REVIEW TEAM: John Price
Terry Lynch
Michael S. Lottman

REVIEW DATES: November 9 - 10, 1970

ADDRESS: Claiborne Parish School Board
P. O. Box 600
Homer, Louisiana 71040
Tel. 318-927-3502

SUPERINTENDENT: H. W. Whatley
TITLE I COORDINATOR: M. A. McKnighten

PROJECT ALLOCATION: $318,194.54

NUMBER OF PUBLIC SCHOOLS IN SYSTEM: 6

NUMBER OF PARTICIPATING SCHOOLS: 5

ENROLLMENT: Black - 2,665 White - 1,720 Total - 4,385

PARTICIPANTS: Black - 961 White - 100 Total - 1,061

PROJECT TITLE: Title I supplementary Education Program for Claiborne Parish Low-Income Students

LEA STAFF INTERVIEWED: H. W. Whatley, Superintendent; M. A. McKnighten, Title I Coordinator; G. Lopo, Counselor and Testing Expert; A. Bradshaw, Principal, Haynesville High School; Miss L. Manning, Title I Remedial English Teacher; Mrs. K. Dehl, Remedial Reading Teacher; G. H. Dawson, Bookkeeper; A. C. Adkins, Principal, Homer High School

DOCUMENTS REVIEWED: All project applications;
Project completion reports;
Title I ledgers;
Personnel rosters.

VIOLATIONS OF TITLE I REGULATIONS

I. Improperly Selected Attendance Areas

The Title I Regulations, in 45 CFR § 116.17(d) provide:

> "A school attendance area for either a public elementary or a public secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district, or if the estimated number of children from low-income families residing in that attendance area is as large as the average number of such children residing in the several school attendance areas in the school district. In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district."

1. The parish's project application for 1970-71 sets the percentage of children from low-income families in the district at 30.9%. This figure is arrived at by including the 140 students from the parish who attend Junction City, a "state line" school located in Arkansas, of whom 8.2% are from low-income families. All public schools located in the parish thus are shown to have greater than average percentages of children from low-income families.

2. Private school students residing in the designated attendance areas apparently were not included in determining the percentages of children from low-income families for each school.

3. The Title I coordinator is trying to adjust the low-income figures so that Title I services can also be provided to the "state line" school.

4. In May, 1970, the previous Title I coordinator conducted a survey of children from low-income families, by asking each principal to list "(1) The number from economically impoverished homes [and] (2) The number in addition to (1) who are educationally impoverished (one year or more retarded)." There is no correlation between the results of this survey and the figures shown on the Title I application.

II. Inadequate Needs Assessment

The Title I regulations, in § 116.18(b), requires each LEA to provide

> "an assessment of the special educational needs of the educationally deprived children who would be eligible to receive benefits under Title I of the Act . . . . "

1. The 1970-71 project application does not document the stated needs with objective evidence. The justification for art instruction, for example, is that "(t)his is an area we need to improve. Culture and appreciation of beauty adds to life." For the health care component: "No statistics available . . . . Too many eyes are dull that should be bright . . . . "

2. The parish makes use of the California Achievement Test, but there is no clear relationship between the results of this testing and the design of the Title I program.

III. Use of Title I Funds for General Aid

> "Each . . . project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." Regulations, § 116.17(g).

1. All students of kindergarten age are eligible for Title I kindergarten classes.

2. Transportation aides, paid with Title I funds, are assigned to all of the system's buses which serve kindergarten children. Title I funds are also used to provide transportation for all kindergarten children not on the regular bus routes.

3. Equipment purchased with Title I funds is used for general school purposes.

Examples: At Homer High School, all music students use a piano purchased with Title I funds, and another such piano is used for banquets and special events. All students in the school use Title I physical education equipment. Audio-visual equipment purchased with Title I funds is permanently located in regular classrooms.

4. Industrial arts facilities at Haynesville High School were constructed in 1968-69 with $39,000 in Title I funds. Industrial arts is offered on an elective basis, rather than on the basis of educational deprivation.

5. Ten mobile classrooms purchased with $85,593.65 in Title I funds are used, when used at all, for general school purposes.

6. The school system's only nurse is paid with $6,600 in Title I funds, and serves the entire parish.

7. According to the 1970-71 project application, all "eligible" students attending secondary target schools who wish to enroll in the Title I music program are allowed to do so. There is no evidence of any attempt to base eligibility on educational deprivation.

8. The Title I library component simply expands the number of library books available to students in the school system. According to the 1970-71 project application, "(t)he ultimate aim of the library program is to create a basic book collection meeting the criteria

set forth by accreditation groups such as Southern Association of Secondary Schools and Colleges."

9. The Title I media center assists "all teachers from eligible Title I schools, those who teach students who have transferred from eligible Title I schools and special education teachers. . . . "

10. The participants in the physical education component of the summer Title I program are not those students shown to be educationally deprived in this area, but simply those who elect to participate.

11. Title I teacher aides work with both Title I teachers and "remedial" teachers paid out of State and local funds.

12. At least one principal did not know which, if any, of his teachers were part of a Title I project component.

IV. Supplanting

Section 141(a)(3) of Title I provides:

> "Federal funds made available under this Title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this Title, and (ii) in no case, as to supplant such funds from non-Federal sources . . . ."

1. There are "remedial" teachers in all schools, some paid out of Title I funds and some out of State and local funds. All perform regular classroom functions, and no distinction is made between regular and Title I "remedial" teachers. In general, these teachers are assigned to the lowest "track" within a given grade. Regular classroom teachers were switched to Title I to do "remedial" work, and were not replaced by teachers paid from State and local funds.

2. State funds are available for kindergarten classes, which in Claiborne Parish are financed by Title I. (All Title I kindergarten activities will be terminated after this year.)

V. Expenditures Unrelated to Title I Activities

1. Title I funds were used in 1967 to construct swimming pools at Homer and Haynesville, where municipal swimming pools already existed. The amount budgeted for this expenditure was $105,800. These pools have been used largely for general recreational purposes, rather than to meet an identifiable educational need.

VI. Inadequate Involvement of Parents

> "Each local educational agency shall provide for the maximum practical involvement of parents of educationally deprived children in the area to be served in the planning, development, operation, and appraisal of projects, including their representation on advisory committees which may be established for the local Title I program." Regulations, § 116.18(f)

1. There is no evidence of any meaningful or continuing relationship between the advisory committee described in the parish's project application and the development, operation, and evaluation of the Title I program.

2. School officials met with the advisory committee in July, 1970, but the meeting was not well attended and there is no evidence that it had any impact upon the parish's Title I program.

VII. Failure to Keep Proper Records Concerning Location and Disposition of Title I Equipment

Section 116.55(b) of the Regulations provides as follows regarding inventories of Title I equipment other than that placed in private schools:

> "Each State educational agency and each local educational agency shall maintain inventories of all . . . equipment it has acquired with funds under Title I of the Act and costing $100 or more per unit for the expected useful life of the equipment or until its disposition."

1. No equipment inventory of any sort was available at the local educational agency.

VIII. Failure to Evaluate Title I Program Effectively

Under the Regulations for Title I programs,

> "The measurement of educational achievement under such a program shall include the measuring or estimating of educational deprivation of those children who will participate in the program and the comparing, at least annually, of the educational achievement of participating children with some objective standard or norm. The type of measurement used by a local educational agency should give particular regard to the requirement that the State educational agency report to the Commissioner on the effectiveness of the programs in that State in improving the educational achievement of educationally deprived children." § 116.22(b)

1. Objective and detailed evaluations of project components do not exist.

IX. SEA Monitoring and Project Application Review

1. Mr. Arthur Kalpakis of the SEA Title I staff visited the parish in the spring of 1970, and Mr. George Richard of the SEA Title I staff visited the parish in the fall of 1970. There is no evidence that any written report resulted from these visits or that any corrective steps resulted therefrom.

2. The parish's Title I project, including the violations noted above, is operating essentially as described in the project application approved by the SEA.

Louisiana Title I Review -- November 4-13, 1970
Project expenditures which do not relate to legitimate Title I purposes

Item	Year	Budgeted Amount
Orleans Parish		
Centralized Libraries (Includes salaries, supplies, plant operation, equipment, and construction.	1965-70	$1,982,913
Washington Parish		
Temporary Classrooms	1969	102,977
Media Center	1967	85,722
Concordia Parish		
Media Center	1966	22,500
Community Coordinator	1970	2,900
Inventory of Equipment	1971	966
Addition to Media Center	1971	56,765
East Feliciana Parish		
Home economics wing Clinton Junior High School	1970-71	48,565
Cafeteria, industrial arts and regular classrooms, Clinton Junior High School	1969	47,200
Library, home economics, and vocational ed. wing, Jackson Elementary School	1969	101,449

Item	Year	Budgeted Amount
Cafeteria, addition, and regular classrooms, Jackson Elementary School	1968,1970	90,100
Restrooms and storage area, 8th Ward School	1968	24,900
Restrooms and regular classrooms, West Elementary School	1968	26,630
Cafetoriums, 8th Ward and Spears Schools	1967-68	24,994
Cafetorium at Reilley School	1967	10,823
Cafetorium at Norwood School	1967	11,551
Band instruments	1966	20,022
Richland Parish		
Media Center	1967	151,079
Sewing Machines	1967	12,000
Playground Equipment	1967,1969	23,000
Short wave radio equipment	1968	16,000
Showers, Toilets, Urinals	1970	38,849
Madison Parish		
Basketball courts	1968	4,500
Dressing Room, lockers	1969	42,509
Washer & Drier	1969	(Unknown)
Salaries of Phys. Ed. Laundrymen	1970	4,468
Summer Recreation Program	1970	10,400
Library (Wright Elementary)	1966	48,022

Item	Year	Budgeted Amount
Media Center	1966	29,680
Videotape	1967	9,000
Welding equipment	1967,68	101,948
Portable classrooms	1966	48,000
Claiborne Parish		
10 Mobile classrooms	1967	85,593
Industrial Arts Facilities	1969	39,000
2 Swimming Pools	1966	105,800

REPORT ON
ADMINISTRATION OF TITLE I, ESEA
STATE DEPARTMENT OF EDUCATION
BATON ROUGE, LOUISIANA

The purpose of this report is to comment upon State Administration of the Title I, ESEA program on the basis of information collected in the course of a program review conducted by the Office of Education during the periods September 28 through October 2, 1970 and November 3 through November 13, 1970.

In its original application to participate in the Title I program, dated September 28, 1965, the State of Louisiana, through its State education agency (See Section 116.31(a), assured the U.S. Commissioner of Education that it would approve only those applications from local educational agencies which meet the requirements of the statute, and it would enforce any obligations imposed on a local educational agency by law. (See 45 CFR 116.31(c).

During the course of the Office of Education review of the Title I, ESEA program, in Louisiana, information has been collected which raises serious question as to whether the State is (1) fulfilling the assurances described above; (2) enforcing adequately the Title I regulations; and (3) assuring that all requirements of Program Guide #44 are met when reviewing local applications. The following paragraphs describe more particularly deficiencies in the State administration of Title I as reflected in the planning, operation and evaluation of Title I projects in the parishes:

Program Administration. Rather than assuming an active role in the planning and review of Title I programs, the State educational agency, through its Federal Programs Section, has restricted its role to that of a service organization, and has permitted local school officials to exercise wide discretion in spending Title I funds. As a consequence, Title I funds have been spent for parish-wide educational purposes rather than the development of projects to meet one or more of the special educational needs of educationally deprived children, as specified in Section 116.17(g) of the Title I Regulations.

Review and Approval of Project Applications. Evidence shows that State educational agency review and approval of Title I applications submitted by the parishes is carried out in a hasty and perfunctory manner which permits little or no opportunity for the type of critical analysis and thorough review necessary to the valid and effective operation of the Title I program.

1. On the basis of interviews with staff members of the Federal Programs Section, it appears that requirements spelled out in the Regulations, as well as in Program Guide #44 with respect to the approval of applications, are not enforced by State officials. This is well documented by the number of instances in which parish projects -- on their face violative of Title I Regulations -- were approved, apparently without question within one or

two days following their submission. Although parish school officials typically hand carry applications to the State Department of Education in Baton Rouge, such applications are not carefully scrutinized for either compliance with law or quality of services.

2. The application and review process is conducted by the Title I staff in isolation from curriculum specialists and other related staff specialists in the SEA. Fiscal personnel are invited to review applications upon submission, but their responsibilities are focused on proper use of financial forms.

Program Monitoring. The review team was informed by officials of the Federal Programs Section that monitoring of Title I programs at the parish level did not begin until the school year 1970. (Louisiana has conducted a Title I program since 1965). Indeed, the team was informed that during the period 1965-69, local parishes were advised by the State Department that Title I projects would not be subject to monitoring at all.

1. The effort of the Department to implement one day monitoring visits to the 68 parishes to review Title I programs during school year 1969-70 have been limited. There is little evidence that such monitoring activities led to improvement or upgrading of Title I projects.

2. The 9 parishes reviewed by the Office of Education review team had been monitored by State Title I personnel during the past school year. It is the understanding of the review team that the reports were filed in the office of the SEA, but in most instances copies were not made available to parish school officials. There is no evidence that the serious and pervasive violations of Title I requirements uncovered by the review team had been identified by the State monitor and brought to the attention of either parish officials, or the Director of Federally Assisted Programs in Louisiana.

3. While the State has initiated team monitoring to supplement the monitoring activities described above, involving curriculum specialists in other units of the SEA, it is evident that these specialists have not been briefed regarding the nature, purpose, or legal requirements of Title I, ESEA. As a consequence, one report filed by such a team (Washington Parish) ignores widespread misuse of Title I funds. Indeed, if the recommendations contained in that report were carried out, the net effect would be to reinforce and aggravate misuse of Title I funds.

4. The review team was informed by staff of the Federal Program Section that four other parishes had been monitored by teams of specialists, but no record was made available to the review team as to the findings and recommendations resulting from such visits.

Program Evaluation. The annual evaluation reports filed by parishes contain no performance criteria by which program results may be measured (See 45 CFR 116.22 and 116.23). While pre and post testing, e.g., in reading and mathematics, are recorded, such testing appears to have little impact on program direction. A review of selected evaluation reports indicates that no relationship exists between program planning and evaluation from one year to the next. Most programs and services set forth in parish applications have remained unchanged throughout the five year history of Title I in Louisiana

Program Guidance. The staff of the Federal Programs Section has relied exclusively on Federal Regulations and guidelines in administering the Title I program in Louisiana.

1. The State has made no attempt to develop State Regulations or guidelines as a means of providing technical assistance to parish school officials regarding educational needs, problems, and issues relevant to the State of Louisiana. There was no evidence that guidance or direction in the following critical areas had been developed for local parishes:

1. Identification of eligible attendance areas.
2. Identification of eligible students
3. Program design
4. Proper use and concentration of funds and personnel
5. Parental involvement
6. Program evaluation (performance criteria)
7. Effects of school desegregation on Title I programs
8. Services to non-public school children
9. Concentration of funds and services

2. In addition, the failure of the Louisiana State Department of Education to initiate and maintain adequate training programs for parish school officials and staff, as well as to conduct adequate dissemination activities to inform the public about the nature and purpose of Title I, has undermined the basic purpose of Title I as a program for providing special services to educationally deprived children. This is evident from the widespread ignorance and misinformation regarding the nature and purpose of Title I which the review team found among local school officials, faculty members, and local citizens.

3. As a further consequence of the failure of the State to carry out its stewardship and leadership responsibilities, widespread, serious, and long-term violations of Title I were uncovered by the review team. Evidence exists that such violations reflect State ineffectiveness in both conveying and safeguarding the legislative intent of Title I, ESEA. Construction of media centers in nearly all parishes to encompass a wide variety of services on a general aid basis is a prime example of the lack of State guidance and initiative.

Conclusion

The following summarizes violations of Title I Regulations uncovered by the Office of Education review team:

1. General Aid

a. Use of Title I funds to conduct programs and activities made available to children generally, rather than those who have been identified as requiring special educational services to raise their educational achievement levels to that appropriate for children their age.

Sections 116.1 (i)

116.17 (a)

b. Use of Title I funds to assist children other than those having the greatest need for assistance.

Section 116.17 (f)

c. Use of Title I funds to meet the needs of schools or the student body at large in a school or in a specified grade in a school.

Section 116.17 (g)

d. Construction of facilities not essential in order to assure the success of projects under Title I.

Section 116.17 (i)

2. Supplanting of State and Local Funds

a. Use of Title I funds to support activities in project areas similar to those provided in non-project areas.

Section 116.17 (h)

b. Decreasing State and local funds which would otherwise be made available to project areas.

Section 116.17 (h)

3. Improper Expenditures

a. Imprudent and extravagant expenditure of Title I funds for audio-visual equipment and instructional materials, supplies, and school equipment and furnishings unrelated to Title I programs.

Section 116.18 (a)

b. Title I expenditures which are either not reasonably necessary for carrying out approved projects or not incurred as a result of the grant approved under Title I.

4. Needs Assessment

Failure to provide an adequate needs assessment to identify children who are educationally deprived or to adequately set forth the objectives and proposed effectiveness of the project in relation to those needs.

Section 116.18 (b)

5. Concentration of Services

Failure to provide for concentration of projects in a limited number of target areas focused on a limited number of educationally deprived children.

Section 116.18 (e)

6. Parental Involvement

Failure to provide maximum practical involvement of parents of educationally deprived children in planning, development, and operation of projects under Title I.

Section 116.18 (f)

7. Participation of Non-Public School Children

Failure to determine the needs of educationally deprived private school children residing in project areas and providing them with programs and services comparable to that provided participating public school children.

Section 116.19 (b)

8. Financial Records

Failure to maintain program records demonstrating accountability of a participating parish for the required period.

Section 116.23 and 116.54 (a)

9. Inventory Lists

Failure to maintain adequate inventory lists of equipment and materials purchased under Title I.

Section 116.55 (b)

Title I
of
ESEA

IS IT HELPING POOR CHILDREN?

A report by the Washington Research Project of
the Southern Center for Studies in Public Policy and
the NAACP Legal Defense and Educational Fund, Inc.

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INTRODUCTION

In 1965 Congress passed the Elementary and Secondary Education Act (ESEA), the most far reaching and significant education legislation in the history of this country. For the first time the national government recognized the necessity of providing Federal aid to elementary and secondary schools. For the first time, the special needs of poor children were recognized and effective ameliorative action promised through special assistance to school systems with high concentrations of low-income children.1/

Our hopes that the Nation would finally begin to rectify the injustices and inequities which poor children suffer from being deprived of an equal educational opportunity have been sorely disappointed. Millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities. The kinds of programs carried out with Federal funds appropriated to raise the educational levels of these children are such that many parents of poor children feel that Title I is only another promise unfulfilled, another law which is being violated daily in the most flagrant manner without fear of reprisal.

We have found that in school systems across the country Title I

- has not reached eligible children in many instances;
- has not been concentrated on those most in need so that there is reasonable promise of success;
- has purchased hardware at the expense of instructional programs;
- has not been used to meet the most serious educational needs of school children; and
- has not been used in a manner that involves parents and communities in carrying out Title I projects.

This study examines what has happened to Title I in the four school years since ESEA was passed. This is not an evaluation of compensatory programs, but a report on how Title I money has been spent and how Title I has been administered at the local, State, and Federal levels.

Since passage of ESEA, Congress has appropriated $4.3 billion for the benefit of educationally deprived poor children - black, brown, white, and Indian children. Because most of these children attend inadequately financed and staffed schools, the windfall of Federal appropriations no doubt brings many improvements to these schools that these children never had. To hear the educational profession and school administrators talk (or write), Title I is the best thing that ever happened to American school systems. Educational opportunities, services, and facilities for poor children are provided. Some poor children are now well fed, taught by more teachers, in new buildings with all the latest equipment, materials, and supplies. Early evaluations of academic gain have not been so optimistic. Some school systems report that despite the "massive" infusion of Federal dollars, poor children are not making academic gains beyond what is normally expected. Some report moderate academic gain in programs and some report real academic improvement.

Despite these reports, the almost universal assumption about Title I is that it is providing great benefits to educationally disadvantaged children from low-income families.

We find this optimistic assumption largely unwarranted. Instead we find that:

1. The intended beneficiaries of Title I, poor children, are being denied the benefits of

the Act because of improper and illegal use of Title I funds.

2. Many Title I programs are poorly planned and executed so that the needs of educationally deprived children are not met. In some instances there are no Title I programs to meet the needs of these children.
3. State departments of education, which have major responsibility for operating the program and approving Title I project applications, have not lived up to their legal responsibility to administer the program in conformity with the law and the intent of Congress.
4. The United States Office of Education, which has overall responsibility for administering the Act, is reluctant and timid in its administration of Title I and abdicates to the States its responsibility for enforcing the law.
5. Poor people and representatives of community organizations are excluded from the planning and design of Title I programs. In many poor communities, the parents of Title I eligible children know nothing about Title I. In some

communities, school officials refuse to provide information about the Title I program to local residents.

These practices should be corrected immediately. We recommend that:

1. The Department of Health, Education and Welfare (HEW) and the Department of Justice take immediate action against school systems where HEW audits have identified illegal uses of Title I funds, and where indicated, restitution of misused funds demanded.

2. HEW enforce the requirement for equalization of State and local resources between Title I and non-Title I in schools in districts throughout the country; in Mississippi such equalization be required by the 1970-71 school year as recommended by the Commissioner.

3. HEW immediately institute an effective monitoring and evaluation system to insure proper use of Title I funds; the Title I office be given additional staff and status within the Office of Education; and a capable director be appointed forthwith and made directly responsible to the Commissioner of Education.

4. An appropriate Committee of Congress immediately conduct an oversight hearing and examine on a systematic basic the manner in which Federal, State

and local school officials are using Title I funds.

5. The provision requiring community participation under Title I be maintained and strengthened.

6. Alternative vehicles for operation of Title I programs be provided where State and local officials are unable or unwilling to operate effective Title I programs. For example, private non-profit organizations are permitted to operate Title I programs for migrant children.

7. HEW enforce the law; States be required to approve only those projects which conform with the Title I Regulations and the Program Criteria.

8. Congress provide full funding under the Act in order to ensure sufficient resources to help poor children.

9. All efforts to make Title I a "bloc grant" be rejected.

10. Further study be undertaken on issues raised in this report including;

   a. use of Title I to supplant other Federal funds;
   b. equitable distribution of funds to predominantly Mexican-American districts;

c. Title I programs for migratory and Indian children; and

d. relation between Title I and all other food service assistance programs.

11. Local school systems make greater effort to involve the community, including disclosure of information regarding Title I programs and expenditures.

12. Private citizens demand information and greater community participation on local advisory committees; denial of information and illegal use of funds be challenged by community groups and, where appropriate, complaints made to local, State and Federal officials; law suits filed and other appropriate community action be undertaken to ensure compliance with the law.

13. States assure that Title I programs actually meet the educational needs of all poor children and recognize the cultural heritage of racial and ethnic groups.

* * *

The goal of Title I is simple. It is to help children of poor families get a better education. Accomplishing that goal, however, is not simple. Existing educational structures at the State and local levels are the institutions responsible for the administration of Title I, but often they are the institutions least able to respond to a new challenge or to respond to the needs of poor minorities. In order to accomplish the goal of Title I, many changes will be needed. But before we can understand the nature of the changes, we need to understand what the law provides and how in fact it is operating in school districts across the country. That is the substance of this report.

Why This Review of Title I

Reviews and evaluations of Federal grant-in aid programs are usually made by "experts". This review was not prepared by educational "experts", but by organizations interested in the rights of the poor. We make this review because we feel that the accepted experts have failed to inform honestly the public about the faulty and sometimes fraudulent way in which Title I of the Elementary and Secondary Act of 1965 is operating in many sections of the country.

In December, 1968, Federal education funds were terminated in Coahoma County, Missisippi, because of the school board's refusal to submit an acceptable desegregation plan under Title VI of the Civil Rights Act of 1964. As a consequence of the termination of Federal funds, teachers, teacher-aides and janitors, all black, were fired. Their salaries had been paid by Title I, and their employment in the black schools was terminated along with the Title I funds. A group of parents and the NAACP Legal Defense and Educational Fund, Inc., brought suit against the Coahoma County School Board charging illegal use of Title I funds as well as the unconstitutional operation of a racially dual school system. The lawsuit represented the first, and thus far the only, serious challenge to the manner in which a school system utilizes its Title I funds.[2/]

In the spring of 1969 a small group of private organizations involved in the struggle for equal educational opportunities for poor and minority children agreed that they needed to pool their resources to examine how Title I funds were being used and to what extent the educational needs of these children were being met as Congress intended. We knew that the situation in Coahoma County was not an isolated situation. Our decision to look at Title I was based not only on the incident in Coahoma County, but also on a number of complaints from individuals and organizations across the country about the operation of Title I in local districts.

We had three basic concerns about Title I. First, poor people knew little or nothing about the provisions of the law and had even less to say about how these Federal funds were being used in their school districts despite the fact that the Title I Regulations require that they be involved in the planning and execution of Title I programs. Secondly, we suspected that much of the Title I investment was not being spent in accordance with the law and Regulations, and that much of the money was being used as general aid and in place of State and local education revenues. Thirdly, we felt that an independent review was needed to determine whether the money was really being spent for the educational needs of educationally deprived children.

Some may think that by inquiring into Title I we risk renewing old battles over Federal aid to education. Some may think that criticism of how Title I money is spent or the program administered could jeopardize the entire legislation. Some may take the position that it is better to have Title I funds, even though they may not always be used exactly as Congress intended, than not have them at all. Still others may feel that any use of these funds helps in the process of educating children, even if the expenditures are in violation of the law.

We disagree. We believe poor and minority children should, indeed must, have the rights and benefits accorded them by law. We have decided to pursue our efforts because ultimately it is educationally deprived children who will be held accountable for the Federal investment. All the tests and evaluations to determine the effectiveness of Title I will be administered to poor children, not to school administrators or to State and Federal officials. Thus it seemed only right that poor people themselves, and private organizations working on their behalf, should make an attempt to find out what is happening to poor children as a result of the expenditure of billions of dollars.

This report is intended as a defense of Title I. Our criticisms are offered in order to make its operation more effective and to ensure that the Congressional intent is implemented. We believe that Federal aid to education is now firmly embedded in our system and should be encouraged and not weakened. However, we feel obliged to report to poor people, to minority people, to the President, to Congress and to the Nation what we have learned about

Title I of the Elementary and Secondary Education Act of 1965. We hope by bringing to light some of the more flagrant misuses of Title I funds that a concerted and continuing effort will ensue to help poor children get what the Nation promised them when the Act was passed.

How This Review Was Conducted

We collected information and interviewed officials at all levels of Title I's operation. As we wanted to know what the Federal government already knew about Title I's operation, we began there. We interviewed Federal officials and examined records and files at the Department of Health, Education and Welfare. This report relies heavily on information taken from government documents, especially the audits of Title I performed by the HEW Audit Agency.

In addition to reviewing the program at the Federal level, we gathered information about Title I in selected local school systems and State departments of education to find out what programs were operating and what the attitude of school officials was toward Title I and toward poor children. We also interviewed parents in order to determine how much they knew about Title I and how they had been involved in Title I programs in local school districts. These interviews were conducted by staff members of private organizations, and in many cases, by local residents, members of poor communities. Together we interviewed Title I officials in nine States, 28 Title I coordinators of local districts, 39 principals or teachers in Title I schools and 191 parents.

The State and local systems from which we gathered information were chosen on the basis of several criteria. An attempt was made to get a rough cross-section of State and local systems which would represent different regions, various sizes of enrollment and mixtures of racial and ethnic groups. We gathered information from rural school districts, from small and medium-sized urban systems, and from large metropolitan systems.

What This Report Covers

This report deals with the major part of the Title I legislation --- aid to local school systems with high concentrations of children from low-income families. In fiscal year 1969, $1.02 billion went to these school districts out of a total Title I Congressional appropriation of $1.1 billion. This report does not treat two other categories of financial assistance under Title I, aid to children of migratory farm workers and Indian children attending schools operated by the Bureau of Indian Affairs. [3/] Nor does this report cover poor children in institutions for the neglected and delinquent, although they are all identified in the Act as beneficiaries of Title I. This does not mean that we feel that there are no problems connected with their operation. On the contrary, we know that there are problems and hope that these programs will receive early attention. Only because of their low dollar value and because of our limited resources, are they excluded here.

This report focuses on how Title I money has been spent, how Title I is administered and some of the consequences for poor children resulting therefrom. It does not attempt to evaluate the educational value of specific Title I programs nor the impact of various kinds of compensatory education programs, although when we have discovered Title I sponsored programs which we feel have no educational purpose at all we say so.

Chapter I explains briefly how Title I works and specific references to the Title I Regulations, the law, and the Program Criteria will be found in Appendix A. Chapter II deals with the use of Title I as general aid in many school systems. Chapter III examines the illegal use of Title I in the North and South to supplant State and local expenditures and the relation between Title I and other Federal programs. The purchase of massive amounts of equipment and the excessive construction of facilities is the subject of Chapter IV. Chapter V deals with the failure of some Title I funded projects to meet the educational needs of poor children. Chapter VI deals with the exclusion of the poor community from decisions about use of Title I and the refusal of State and local school officials to provide information about Title I. Chapter VII examines how Title I is administered at the State and Federal levels.

Many organizations and individuals have contributed to this report. Although the Washington Research Project and the NAACP Legal Defense and Educational Fund, Inc. assumed major responsibility for this report, other organizations contributing to the effort included the American Friends Service Committee, The Urban Coalition, the South Carolina Council on Human Relations, the Illinois Commission on Human Relations, the Delta Ministry of the National Council of Churches and the North Mississippi Rural Legal Services. We appreciate the help we received from the Office of Education and HEW Audit Agency staff. We are especially grateful for the financial support for this report from the Aaron E. Norman Foundation and the Southern Education Foundation. Numerous individuals in communities across the country gave their assistance. Chief among these individuals are the following: Winifred Green, Roger Mills, Michael Trister, Beatrice Young and Electra Price. Ruby Martin of the Washington Research Project and Phyllis McClure of the NAACP Legal Defense and Educational Fund, Inc. had the responsibility for the final preparation of this report.

CHAPTER I

HOW TITLE I WORKS

Title I of the Elementary and Secondary Education Act of 1965 provides financial assistance to school systems which have high concentrations of low income children residing within the districts. This Act is entirely federally financed and requires no matching grant. Approximately 16,000 out of a total of 26,983 school districts in the Nation receive Title I money. An estimated nine million children participated in some way in a Title I funded project in the 1968-69 school year.[1]

Payments under Title I go to State departments of education which in turn make payments to local school districts. Local districts are eligible under the law to receive a certain amount established by formula upon submitting a project application. Local school officials may use the money for a broad range of projects, but the expenditures must be in conformity with the law, the Regulations, and certain Program Criteria established by the U. S. Commissioner of Education. The project application of a local school system must set forth (1) the program or programs to be supported, (2) a budget,

(3) the number of eligible children, (4) designated target areas, (5) an identification of the needs of eligible children, and (6) provisions for evaluating the programs or projects. The State department of education is responsible for approving, rejecting, or renegotiating the project applications from local districts. These project applications do not go to Washington. The State is entirely responsible for paying funds, approving project applications, monitoring, auditing, and evaluating the effectiveness of projects.

In effect, Title I operates as a "bloc grant" since the money may be used in any manner the State approves as long as it is spent on disadvantaged children. Although the States determine how Title I money will be spent, each State must provide assurance to the Office of Education that it will approve projects that meet the requirements of the law. For example, States may not permit Title I to be used as general aid to a school district or in place of State or local funds. The purpose of Title I is to provide special educational programs for educationally deprived children most in need of assistance, and according to the Federal Regulations, the program must be of such size and scope as to have reasonable promise of success. Each local district must determine the needs of the eligible children in its schools and what programs it will operate to meet those needs. The Regulations and Program Criteria governing Title I are numerous and complex, but their purpose is to set standards for the wisest use of the money. Excerpts from the Federal Program Criteria are cited in Appendix A.

The Formula

The amount of money which a local district receives is based on a formula which is determined in the following manner. The number of children in the district from families with annual incomes of $2,000 or less (determined by the 1960 Census) is added to the number of children from families receiving AFDC(welfare money)plus the number of children in institutions for the neglected and delinquent. This total number of children is then multiplied by half the State per-pupil expenditure or by half the national per-pupil expenditure, whichever is greater.

The Participants

Although an estimated nine million children participated in some way in a Title I sponsored project during

1968-69 school year, it is important to understand that Title I does not reach all poor children who are educationally disadvantaged. The Office of Education estimates that about 18 per cent of the students in Title I participating schools are severely educationally disadvantaged, and that only slightly more than 50 per cent of those pupils are participating in Title I compensatory programs (reading, arithmetic, and language). 2/

Level of Funding

There has always been a wide gap between the amount authorized by Congress ($2.7 billion), and the amount actually appropriated for Title I. In fiscal year 1969 Congress appropriated $1.123 billion, only 41 per cent of the amount authorized. The $1.123 billion represented a cutback of $68 million from the previous year. ESEA is before the Congress this year for an extension of the legislation and appropriation of funds for the 1969-70 school term. The present Administration has asked Congress to appropriate $1.216 billion for Title I.

How the Money is Spent

There is cause for alarm when Congress does not appropriate sufficient funds to meet its own professed commitment to serve the educational needs of children from America's low-income families. These children will never get a chance unless there are significant Federal resources behind the Congressional rhetoric. The declining appropriations and the rising cost of education mean fewer opportunities for poor children who suffer educational handicaps. While we are concerned about this weakening Federal support, and urge full funding under the Act, we are dismayed about the failure of many local school officials to use the available money in the best interests of poor children. We note with interest what the National Advisory Committee on the Education of Disadvantaged Children has said:

> "Some(projects) are imaginative, well thought-out, and demonstrably successful; other projects exemplify a tendency simply to do more of the same, to enlarge equipment inventories or reduce class size by insignificant numbers."[3]

CHAPTER II

TITLE I AS GENERAL AID

Title I money is not to be used as general aid. To do so dilutes needed services to poor children and denies them crucial benefits under the Act. When Congress enacted ESEA, it intended that Title I would enable local school districts to provide services and programs which they were unable to provide to meet the special educational needs of educationally disadvantaged children. However, many school districts see this "massive" infusion of Federal funds as an opportunity to improve their schools generally, to buy large amounts of equipment and supplies, and to construct buildings and additions to schools. No doubt much of the money spent in this way has provided needed resources to the total educational program. No doubt many poor children benefit from having services, facilities and teachers that they may never have had before. Despite this they are still being cheated because they are not receiving the full impact of the legislation.

The determinations as to which children should receive Title I assistance are clearly spelled out in the legislation passed by Congress, in the Federal

Regulations, and in a number of Program Criteria.[1]

The law specifies that Title I assistance should go to:

- Individual children, not entire school populations;
- Children who have one or more educational handicaps and who come from low-income families, not all children in all poverty-area schools;
- Programs that seek primarily to raise the educational attainment or skills of children, not exclusively to projects or services dealing with health, welfare, or recreational needs of poor children.

Our review of HEW audits and our interviews reveal that requirements for identifying the educational needs of children and for concentrating funds have been frequently ignored. Instead of focusing Title I resources on the educational problems of those poor children most in need, Title I is frequently used as general aid. The use of Title I as general aid typically falls into four categories:

1. Title I funds purchase services, equipment, and supplies that are made available to all schools in a district or all children in a school even though many children reached are ineligible for assistance.
2. Title I funds are spread around throughout all poverty-area schools instead of focusing on those target areas with high concentrations of low-income families.
3. Title I funds are not going to eligible children at all.

4. Title I State administration funds support non-Title I operations of State departments of education.

Aid To All Schools

- Curriculum and materials centers, language and science laboratories are a common use of Title I funds as general aid. These centers usually contain books, supplies, visual aides, equipment, and other learning "hardware" that can be checked out by any teacher in the school system. These centers are frequently located at the school system's central office, in a Title I purchased mobile unit, or at a non-Title I school rather than a "target" school. While Title I children may receive some benefits from these centers, so do all children whose teachers avail themselves of the materials. SOUTH CAROLINA boasts of 23 such centers. Eight out of 18 MISSISSIPPI districts surveyed by Office of Education staff had instructional materials centers. 2/

- HEW auditors found that three GEORGIA school districts were making Title I projects available to all schools in the system. GWINETT COUNTY had a mobile curriculum center costing $70,646 serving all schools. A $340,763 reading clinic served all schools in MUSCOGEE COUNTY. In BIBBS COUNTY a $459,068 curriculum materials center served all schools.[3] Our interviewers in Bibbs County reported that consultants and educational television funded by Title I are also available to all teachers in the system.[4]

- In OXFORD, MISSISSIPPI a curriculum materials center is located at a non-Title I school near a police station, reportedly for fear of burglary. Furthermore, the Title I coordinator in Oxford is principal of a non-Title I, white school.[5]

- In GREEN COUNTY and SUMTER COUNTY, ALABAMA, and in NEW ALBANY, QUITMAN COUNTY, AND PONTOTOC COUNTY, MISSISSIPPI, Title I coordinators told our interviewers that Title I material and equipment are available to the entire district.[6]

- An HEW audit of MILWAUKEE disclosed that in fiscal year 1967, $21,605 was spent on salaries for school personnel not involved in Title I projects such as the swimming coach and teachers assigned to general teaching duties.[7]

- ATTALA COUNTY, MISSISSIPPI constructed two lagoons for sewage disposal costing $16,000 with Title I money and installed an intercom system costing $1,750.[8]

- In CAIRO, ILLINOIS, Title I money was used to support general overhead costs. Title I paid for half the rent of a building which housed the administrative offices of the school district. Title I offices were located on the second floor of the building.[9]

- The 1967-68 Title I Project Application of WAUKEGAN (District 61), ILLINOIS revealed that Title I paid the full-time salary of an assistant principal who performed general administrative duties at his school. Nineteen percent of the school's enrollment was eligible for Title I benefits.[10]

- The DISTRICT OF COLUMBIA school system charged the Title I budget during fiscal 1966 through 1968 for salaries of persons who were not performing duties connected with the program. The school system apparently selected each year a certain number of employees to be paid out of the Title I budget. For 1968 they selected 10 and the auditors found that only one of the 10 was working primarily on Title I activities. "The remaining nine employees were devoting only a negligible amount of time to Title I activities or dividing their time between Title I projects and other general school activities."[11]

. In BENTON COUNTY, MISSISSIPPI, interviews with the superintendent, Title I coordinator, and a teacher revealed that Title I is being used to benefit children in the system whether or not they have been identified as educationally deprived. The district has 2,020 students and all children in the district's three schools participate despite the fact that the Title I coordinator said Title I eligibility was determined by income, size of family, and whether or not the child lived on a farm. Seventy-one percent of the county was said to have an income below $3,000 per year. In the 1968-69 school year, Title I funded an Instructional Resources Center, a heating system for one school and a summer curriculum study for nine teachers and nine college student assistants. In addition, a summer school was funded by Title I at two of the three schools (one all-white school and one predominantly white). The Title I summer school was open to "all students who need a credit to meet minimum requirements for graduation or who want an extra math subject credit." A principal told our interviewer that five regular classroom teachers were hired with Title I money. In the summer of 1968, Title I paid for an arts and crafts program in which any child who was interested could participate.[12/]

. A review of **OAKLAND, CALIFORNIA**'s $2.75 million Title I program by the State's Office of Compensatory Education disclosed a number of problems. It found that health and psychological services, and guidance and counseling services were reaching more children than the determined number of participants, thus diluting services to participants. Other parts of the Title I program were not reaching all participants. For example, a reading program designed for 8,000 elementary pupils reached 4,851 pupils. As a result the State report found that the Title I program "tended to become... one of general aid to the local schools" rather than "a comprehensive compensatory education program for individual children."[13/]

The district rotated Title I participants in and out of Title I activities on a "turnstyle basis" so that there were no planned comprehensive services for individual children. In addition, the State found that approximately 28 percent of the total professional staff worked in or out of the central office. A small number of these staff persons provided direct services to identified participants.[14/]

. The **INDIANAPOLIS, INDIANA** public schools purchased five school buses with Title I money, but HEW auditors found that only 25 percent of the time the buses were operating were for Title I field trips. The remainder of the time the buses were on regular daily school runs. The HEW audit of Indianapolis also revealed that Title I paid social workers and counselors who were assigned to Title I schools but without documentation that they actually worked at those schools.[15/]

The installation of educational television and data processing equipment in the central office of local school systems which serve all schools and all children in the system is another way in which Title I is used as general aid.

. The **MEMPHIS, TENNESSEE** school system received approval from the State Department of Education for a project to improve pupils' reading ability. The project called for hiring additional staff. At the end of the 1965-66 school year the Memphis superintendent advised the State "that a total of $197,525 of project funds were unexpended because the school system was unable to fully staff the project." He requested and received approval to use the unused funds for an IBM computer-based system for accumulating and reporting development on each pupil within the Title I area.[16] The HEW Audit Agency asserted that the State should not have approved the project:

> "School officials told us that their data processing center operated as a service agency to all departments of the Memphis Board of Education. Thus we believe that since the IBM equipment purchased under the project became an integral part of the existing data processing center and since the center serves all departments within the school system, the project equipment was purchased primarily to improve general school programs rather than specifically for ESEA Title I purposes. Local school officials confirmed our conclusion. They told us that eventually the equipment would serve all schools in the system.[17]

- In FRESNO COUNTY, CALIFORNIA, during fiscal years 1966, 1967 and 1968, several school districts transferred approximately $930,000 to the county superintendent to construct, equip and operate a county-wide instructional television system which benefitted not just educationally deprived children but all children in the county. Part of this money was used to remodel a county-owned building for a television studio, to purchase and install equipment and to operate the system.[18]

Aid to Non-Target Schools

In some cases, Title I does not even reach educationally deprived children.

. An HEW audit of LOUISIANA school districts covering Title I expenditures in fiscal year 1966, the first year of the program, found that 23 parishes (counties) "loaned" equipment costing $645,624 to schools that were ineligible to participate in Title I programs. The auditors noted that much of the "loaned" equipment was "set in concrete or fastened to the plumbing." Much of the equipment had been at ineligible schools since its acquisition.[19]

. In the DISTRICT OF COLUMBIA $264,714 was spent at 45 schools that had not been designated as target schools. And $224,733 of the $264,714 was spent at 25 elementary schools which had less than the average incidence of eligible children.[20]

. An HEW audit of selected CALIFORNIA school systems covering September, 1965 through August, 1968, found that the SHASTA UNION HIGH SCHOOL DISTRICT had spent Title I money in fiscal years 1966 and 1967 in three high schools when only one of these high schools was eligible. "The inclusion of the two ineligible schools in the project," the auditor report noted, "resulted in a substantial reduction of available funds for the school that was eligible..."[21/] The two ineligible schools were subsequently dropped from the project under orders from the State's Office of Compensatory Education.

. The CALIFORNIA audit showed that the SANGER UNIFIED SCHOOL DISTRICT had spent $14,496 of Title I funds to provide a portable classroom located at an ineligible school.[22/]

Failure to Concentrate Funds

Federal law and Program Criteria require that Title I funds be concentrated on a limited number of children most in need of assistance, in a limited number of eligible attendance areas, and that the Title I program be of sufficient size, scope, and quality to provide reasonable promise of substantial progress. Concentration of funds also means that a child must receive a variety of services. If some children get only eye glasses, some only dental care, some only remedial reading, some only tutoring and some only field trips, then services are not being concentrated.

Title I Regulations specify that aid must go to those areas of a school district with a high concentration of low-income families and educational deprivation. School officials determine these areas by establishing the average percentage of low-income families in the whole district and then concentrating funds in those areas that are above the district-wide average. 23/

Despite these Federal requirements, many school districts tended to use Title I resources to reach as many children as possible, without regard to concentrating services on those most in need. The consequence is to dilute services to children who qualify as Title I beneficiaries. The use of Title I funds in this way in many districts has simply failed to achieve the purposes of the legislation.

. In CHICAGO, ILLINOIS, the school board purchased approximately $3.8 million in audio-visual film and equipment for distribution to every school in the poverty area rather than to only those schools having a high concentration of children from low-income families. 24/

. An HEW audit of PENNSYLVANIA covering fiscal year 1967 disclosed that in approximately 130 local school districts (out of 486 in the State) the Title I project application included schools that did not appear to be eligible because they did not have the required concentrations of children from low-income families.[25]

- A principal in OXFORD, MISSISSIPPI told our interviewer that all children in his school receive benefits from Title I even though not all are eligible.[26]

The rationale for requiring concentration of funds is clear. The larger the investment per child, the greater the likelihood that there will be a significant impact on the educationally disadvantaged child. The greatest testimonial to the lack of concentration and the dilution of Title I resources is that in the 1967-68 school year the average Title I expenditure per child was $108. In 1966-67 the average expenditure per child was $99 and in 1965-66 it was $96. The Title I National Advisory Council calls these expenditure levels "hardly enough to make a difference. "[27]

An analysis of Title I programs in five school districts done by General Electric Company (TEMPO) under contract to the Office of Education reported:

> "There is a general tendency to allocate... 20 percent of Title I funds to a very small number of pupils and to allocate the other 80% over such a large number of pupils that

in most cases the funds amount to less than $5 per pupil." [28]

Although per pupil expenditure levels will vary from project to project, the evidence shows that most of the Title I annual investment is spread so thinly to so many children that there is little reason to expect any substantial gain in academic achievement from Title I participants.

The dilution of Title I money exists despite the Office of Education's requirement that the annual expenditure per child for Title I compensatory services "should be expected to equal about one-half the expenditure per child from State and local funds for the... regular school program." [29] The Office of Education does not enforce this requirement and most States ignore it. While Title I officials in a few States say that State policy is to encourage concentration, only one State - CALIFORNIA - makes concentration of Title I services mandatory. This year the California State Board of Education announced that its supplemental policies for Title I require that at least $300 per child be spent over and above the regular State and local expenditures and that priority in designating target schools should be given to elementary schools.[30]

In his testimony before the House Committee on Education and Labor, Dr. Wilson Riles, Director of Compensatory Education in the CALIFORNIA State Department of Education, explained that this State policy was adopted because:

> Our research and evaluation have shown that... piecemeal projects which have attempted through a single-shot activity to overcome learning handicaps caused by poverty [have] usually fail[ed] to result in demonstrable achievement gains... We have found that projects which concentrate at least $300 per child over and above the regular school program were the most successful."[31]

Misuses of Concentration

The requirement to concentrate services in target schools in a limited number of attendance areas has been misused in some school districts to frustrate school desegregation plans. The use of Title I to upgrade black schools has served to discourage and intimidate black students from transferring to white schools for fear of relinquishing Title I benefits. This misuse of Title I funds was pointed out over two years ago in a report by the U.S. Commission on Civil Rights which stated that:

> "Under free choice... improvement of substandard Negro schools itself inhibits desegregation. As a result, the objectives of improving the quality of education and achieving desegregation conflict with instead of complementing, each other." [32]

Despite this warning by a Federal fact-finding agency, Southern school boards continue using Title I funds to maintain the dual school system.

Federal Criteria provide that Title I services "follow the child" and that they be offered at locations which do not prolong the child's racial, social or linguistic isolation. These Criteria are largely ignored. Most Title I projects are conducted in isolated settings, and in many districts Title I services do not follow a child to a school outside the target area. Interviewers in BIBBS, TELFAIR and WORTH COUNTIES, GEORGIA and GREENE COUNTY, ALABAMA reported that Title I services did not "follow the child." [33] A State review of OAKLAND, CALIFORNIA's Title I program revealed that 215 Title I eligible children did not get intensive academic help that was supposed to follow them. [34]

A few school systems which are totally or partially desegregated have complied with the Criteria in their Title I projects and have concentrated services on eligible children no matter where they attend school, but most have not.

State Agencies Use of Title I as General Aid

State departments of education bear the main responsibility for the proper administration of Title I, but they are frequently not in a position to act against local school systems for using Title I as general aid as they are themselves guilty of using Title I for general administrative aid. They invariably report that shortage of administrative funds prevents them from hiring sufficient staff to carry out their responsibilities adequately. While this is undoubtedly true, some State agencies have used Title I funds to enhance the State department of education and their general operations rather than to administer Title I.

. **INDIANA** -- "The State claimed administrative expenses totaling $45,823 for fiscal years 1966 and 1967, which were not proper charges to ESEA, Title I. In addition, the State Agency has continued to improperly charge the ESEA, Title I, program for administrative expenses during fiscal year 1968... Salaries and related retirement costs totalling $40,244 (included in the $45,823) have been questioned for those personnel who, by the nature of their positions, could not have expended 100 percent of their efforts for the benefit of ESEA, Title I program."[35]

. SOUTH CAROLINA -- Salary increases for State personnel were charged even though the personnel did not work full-time on Title I. "Effective January 1, 1966, the State Department of Education granted salary increases of varying amounts to... 69 persons who were at that time full-time employees of the State agency. In his letter requesting State Budget and Control Board approval of the increases, the State superintendent of education stated, 'Several of the people are working on the Federal projects now and have been for quite some time.' The salary increases [for all 69 persons] were approved and the amount of the increases charged to Title I funds... Title I funds used to pay salaries of full-time State agency personnel donating less than full-time to the program totaled approximately $31,900 for fiscal year 1966 and $54,300 for fiscal 1967."[36]

. LOUISIANA -- An HEW audit report dated October 27, 1967, states that the Louisiana State Department of Education used Title I administrative funds to pay for costs "not directly related to the program, obligation of services to be rendered after the end of the project, a duplicate payment and various other unallowable costs. The total costs question [by the HEW Audit Agency] for State Administration amounted to $68,296 or 43% of total the costs claimed by the State ... "[37/]

. NEW JERSEY -- Salary payments in the amount of $44,114 were charged to Title I funds for employees donating less than full-time to Title I activities. The State department claimed that the charges were reasonable because other employees of the department donated time to Title I activities and none of their salaries were charged to Title I. The HEW auditors found no records to support this proration of salaries.' "[38/]

. CALIFORNIA -- Even in California, the HEW auditors reported: "For 1968, the State Department of Education ... drew $81,856 for Title I funds in excess of recorded expenditures. In addition, for 1966, 1967 and 1968 the [State] improperly claimed Title I funds for the prorated cost of the Executive Section and claimed rental costs in excess of the amount properly allowable to Title I."[39/]

. ILLINOIS -- An HEW audit report issued June, 1969 states: "Administrative expenses of $183,304 claimed by the State agency for the three-year period ended June 30, 1968, were not directly related to administration of the ESEA, Title I, program and, therefore, are not reimbursable with Title I funds." The questioned costs consisted of acquiring and operating four mobile guidance vans for another Federally financed program; salaries and related retirement benefits for an assistant superintendent and divisional directors whose positions would have been filled regardless of the Title I program; and office equipment purchased with Title I funds but used in other functional departments of the State agency.[40/]

. ALABAMA -- HEW auditors found that $130,939 in Title I funds was spent in Alabama in fiscal year 1968 to supplement salaries and travel of school superintendents and principals although they were not free to accept employment on Title I projects.[41/]

As these examples document, Title I is used as general aid to entire school systems. It is not concentrated on those children most in need. Some State agencies use Title I administrative funds for general salary increases and other forms of general support for State operations. Under these circumstances, it is impossible to hold poor children responsible for dilution of resources intended to benefit them.

CHAPTER III

TITLE I IN PLACE OF STATE AND LOCAL MONEY

When Congress enacted ESEA, it intended that Title I funds would supplement State and local education funds, not replace them. Title I Regulations and Program Criteria are clear in this regard. When school districts do not use Title I money in addition to local and State funds, they are said to be supplanting local and State money.[1]

This means that school districts must not decrease the amount of money they are spending, or would have spent, in Title I eligible schools just because they are receiving Federal money for students in those schools. Title I is not to be used to equalize expenditures in poverty-area schools with other schools in the district.

Congress could hardly sanction the practice of a school district decreasing the amount of money going to a school simply because that school was receiving Federal funds. In order for Title I to have sufficient impact on the educational problems of low-income children, Federal expenditures must be over and above existing expenditures.

In many ways this requirement is wishful thinking. Widespread patterns of unequal expenditure between schools within the same district existed prior to the inception of Title I North and South. Schools enrolling large numbers of poor and non-white children invariably receive less State and local funds and less of the educational resources invested in the education of children from middle and upper-income homes. Title I funds are thus spent for programs in schools attended largely by children from low-income families and are almost inevitably used to bring these schools up to the level of other schools.

While the Office of Education requires that local school systems show on the Title I applications that they are maintaining the same per-pupil effort district-wide, it does not require comparative expenditure figures for all schools. Per-pupil expenditure may increase or remain the same on a district-wide average but it may vary widely between schools within the district. Although compliance with the requirement for not supplanting State and local funds is vitally important to a successful program, the local school district need only sign an assurance that it will comply. In fact, the Title I application filled out by the local district does not even require information necessary to determine whether funds will be supplementary to local expenditures. There is apparently no effort made at the State level to check whether a district is providing equal programs and expenditures in Title I and non-Title I schools.

There are three basic kinds of supplanting:

1. Equalizing poor schools with other schools in the system.
2. Assuming funding of programs previously supported by State or local funds.
3. Replacing other Federal money.

Equalizing Poor Schools with Other Schools

Southern States have traditionally operated unequal and discriminatory schools for blacks and whites.

In a recent report on how South Carolina used Title I funds, the State Department of Education reported that approximately 74 percent of all Title I recipients during the 1966-67 school year were black and that the same was true for the 1967-68 and 1968-69 school years. The South Carolina Director of ESEA candidly admitted to our interviewer that much of the Title I money was spent in black and poor schools to make them comparable to white schools. This assertion is demonstrated by the huge investment, amounting to $2-3 million annually, that the State has made in black schools providing classrooms, libraries, and other physical facilities. 2/

During the 1968-69 school year SUMTER COUNTY #2, SOUTH CAROLINA operated a total of 13 schools, seven black and five predominantly white. All five of the predominantly white schools had libraries which were constructed with State and local funds that were well stocked with books. At least six of the seven all black schools now have libraries also well stocked with books. However, all six of these libraries were built and stocked since 1965 and with Title I funds. Apparently the library books at the white schools were paid for out of State and local monies or perhaps Title II ESEA. 3/

. Another school system, HAMPTON COUNTY, SOUTH CARONINA in 1954 constructed with State and local funds, two elementary schools, the Fennell Elementary for black and Hampton Elementary for white students; one of the original features of the Hampton School was a library. Using fiscal 1967 Title I money, the school system purchased a mobile library and library books for the Fennell School. Hampton County also built a new school for black students in 1966 with State and local funds, complete with library. However, furniture and books for the library were paid for with Title I funds.[4/]

. Under a project entitled "Improvement of Curriculum and Physical Needs of Students," BAMBURG COUNTY, SOUTH CAROLINA received State approval to use Title I funds for the construction of six new classrooms as permanent additions to all black Voorhees Elementary School. School officials stated in justification that, "these classes are needed in order that the teacher load may be decreased." Yet during the 1968-69 school year, Voorhees

Elementary School continued to have the highest teacher-pupil ratio (1-30) of any school in the system.[5]

The South Carolina ESEA Director commented that "Congress assumed that there would be an effort to equalize expenditures across schools. That assumption was wrong". He added that the whole matter of supplanting was very unclear. His interpretation was that "If in the past you did not spend State and local money in a certain school for a certain purpose, how can you call it supplanting if you now spend Federal Title I money in that school for that purpose. You cannot supplant what you have not spent."[6]

Nevertheless, South Carolina is using Title I money illegally to compensate for years of neglect of black schools. These expenditures probably improve the schools attended by poor black children, but if State and local funds had been used, Title I money could have been directed to the educational handicaps they suffer.

School statistics from the State of Mississippi also illustrate supplanting of State and local funds. The per-pupil expenditure from State and local sources is greater in non-Title I schools than it is in Title

I schools virtually everywhere in the State. Non-Title I schools (usually white) have more teachers per student than Title I schools (usually black). In COAHOMA COUNTY, for example, in the 1967-68 school year, non-Title I schools received $324.71 from State and local funds and Title I schools received only $175.00.[7] The QUITMAN COUNTY, MISSISSIPPI Superintendent testified in Federal Court that the highest per-pupil expenditure for black schools in his district was about half that of the lowest per-pupil expenditure in white schools and that Title I was going into black schools in an effort to equalize expenditures.[8] Mississippi's Title I allotment is going almost exclusively to black schools and is being used to build and equip cafeterias and libraries, to hire teachers, and to provide instructional materials and books long available to white students.

However, the use of Title I funds to supplant State and local funds is not just a Southern practice. Many Northern school districts also have disparate per-pupil expenditure between schools and use Title I funds in poverty-area schools to provide programs and services already provided in schools in more affluent areas.

The Michigan State Department of Education published a school finance study in 1968 which showed that the level of expenditures in a school was related to the socioeconomic level of the students who attended the school as measured by the major occupation of the father, the family income, and the type of housing. The more poor children in a school, the less spent on that school. The study found that the level of expenditures in a school was related not only to the provision of special classes for academically advanced children, but also to the provision of remedial services for children who could not benefit from the regular school program. Michigan schools with higher per-pupil expenditures employed more remedial reading teachers, librarians, and art teachers, and utilized more innovative educational methods than schools with a lower per-pupil expenditure. [9/] It is for these same kinds of remedial services and extra personnel that Title I funds are so often used. While we do not know precisely how much Title I money supported reading programs and supportive personnel in Michigan, such expenditures usually constitute a major proportion of Title I programs. In four out of five of the local district projects in Michigan which we examined, a major feature of the Title I program was reading and language arts. Reading teachers, reading specialists, and reading materials were funded in the schools enrolling the largest number of children from low-income families in each district.

Assuming the Funding of Programs Previously Supported by State and Local Funds

Another kind of supplanting of State and local funds occurs when local school systems use Title I money to support programs and services which were paid for by local funds before Federal money became available, or to provide identical services to all schools but charge Title I for these services in target schools. HEW auditors have uncovered numerous examples of such illegal use of Title I.

- The ALTOONA AREA SCHOOL SYSTEM in PENNSYLVANIA used $66,915 of Title I funds to help expand and extend an existing district-wide audio-visual system. The cost of the project in target schools was charged to Title I. The HEW audit report noted, "[W]hen an expenditure is made to serve general educational purposes for all children and at the same time to serve . . . educationally deprived children, then charging Title I with that part of the cost of the program that is applied to low-income children [penalizes those children] with respect to the amount of State and local funds used for them which is contrary to the provisions of the Act."[10]

. In CHICAGO, the Board of Education budget provided for the acquisition of mobile classrooms to be financed with the proceeds from the sale of a city-owned college. However, the $1,151,315 cost of the mobile classrooms was charged to Title I instead. In the 1966-67 school year, the Chicago Board of Education charged $56,138 in teachers' salaries to the After-School Program, a Title I project. For the same period HEW auditors found a decrease in Chicago's own budget for the program of $56,138. Moreover, some teachers assigned to the Teaching English as a Second Language Program in District 26 in Chicago were being used as substitute teachers.[11]

. In MILWAUKEE, HEW auditors found that 1966 Title I expenditures totalling $43,653 included charges for teachers salaries and related fringe benefits previously borne by the school district.[12]

. The HEW audit of PENNSYLVANIA for fiscal year 1967 reported a district which spent $66,915 of Title I funds as a pro rata share of the cost of an existing audio-visual system that was found in both eligible and ineligible schools.[13]

- The DETROIT Board of Education was enrolled in a program with the Midwest Program on Airborne Television Instruction for several years prior to Title I and had extended its membership through fiscal year 1967. Even though the television commitment was made before Title I began, the Board charged $266,649 of the television costs to Title I for fiscal years 1966 and 1967.[14]

- The COLUMBUS, OHIO school system spent $195,551 of Title I funds to construct additional classrooms at six schools. The school board had previously committed local funds for the construction, but on "May 3, 1966, the Board cancelled encumbrances of bond funds . . . and authorized, instead, the encumbrance of ESEA Title I funds." Contracts for construction of four of the six schools were awarded prior to the date that the State approved the project.[15]

- CINCINNATI, OHIO utilized $44,335 of Title I funds to supplant State and local funds. Bids for the construction of portable classrooms at eight schools were let between March 30 and April 1, 1966. No Title I project for construction was presented to the State prior to the opening of bids. Then on May 9, the School Board passed a resolution to finance construction at two schools with Title I money.[16]

- In ROCKFORD, ILLINOIS and in MARSHALL COMMUNITY UNIT SCHOOL DISTRICT in ILLINOIS, Federal auditors found that certain salaries of district personnel had been charged to the Title I program even though these positions had been in existence prior to Title I. 17/

- In FRESNO, CALIFORNIA, HEW auditors disclosed that the school district spent "$24,640 of fiscal year 1967 funds to purchase and install television antenna systems in nine target area schools and the . . . administration building while at the same time used local funds to provide the same systems in fifteen non-target area schools." 18/

- HEW auditors discovered that the DETROIT CITY SCHOOLS charged to Title I a percentage of the overhead costs of the school system which would have been incurred even if the district had not participated in Title I. The Audit report concluded that Detroit overcharged Title I to the extent of $1.3 million in fiscal year 1966 and that similar overhead cost of $2 million were charged to Title I in fiscal year 1967. 19/

Title I and Other Federal Programs

Title I is frequently used to provide food services to hungry children. In fiscal year 1968, $32 million (or 2.9 per cent of total Title I expenditures) was spent on food services, $25 million of it in the 17 Southern and Border States.

The poor coordination of Federal programs at all levels of government and lack of imagination, particularly in State educational agencies, have resulted in approval of Title I money for projects which could have been funded from other underspent budgets.

One deplorable example is the inadequate coordination of Title I with the National School Lunch Program administered by the Department of Agriculture (USDA) through State educational agencies. Using Title I funds to provide breakfasts, lunches or snacks for hungry children is entirely within the intent of the law and may help improve their academic performance. Until the National School Lunch Program more effectively reaches all needy pupils, school districts are justified in including food service in their Title I projects. However, States must be challenged if they use Title I funds for food service when other money is available.

A special Congressional appropriation, commonly referred to as "Perkins Money"[20/] was allocated in fiscal 1969 to the States for expansion of school breakfast and lunch programs for needy children and for purchase of equipment in schools without facilities for food service. In the absence of specific guidelines from USDA concerning how the $43 million Perkins fund should be used, State educational agencies exercised broad discretion in disbursing it among school districts. Strikingly, some States returned substantial percentages of their Perkins allocation while using Title I funds for food service. For example, Arkansas spent $2,488,915 of Title I funds in fiscal year 1968 for food services and returned $443,515 (or 43 per cent) of its Perkins money.

States with large numbers of needy children should have exhausted all available funds to expand feeding programs. When unable to do so quickly enough, Perkins money should have been used first because it was available only for food service. Yet some States returned Perkins money and used Title I money for food services. The table below compares the amount of Perkins money returned with the amount of Title I money expended for food services. Although the years are not comparable, we have no reason not to believe that States were spending comparable amounts of Title I funds on food in fiscal year 1969 as they were in fiscal year 1968. 21/

State	Amt. Perkins Money Returned FY69	% Perkins Money Returned FY69	Amt. Title I Money Spent On Food Service FY68
Arkansas	$443,515	43%	$2,512,818
Delaware	51,361	80%	127,301
Lousiana	336,828	25%	198,203
Montana	30,051	25%	64,003
Missouri	285,670	28%	408,235
New York	350,900	18%	854,542
Nevada	14,748	50%	21,192
Pennsylvania	578,971	37%	663,085
Virginia	159,478	9%	1,471,544

We recognize the difficulty of using Federal funds efficiently when they become available after the school year begins and when they come to a State agency through different programs. However, much improvement is possible and a greater burden rests on the States to create the machinery necessary for planning, coordination and technical assistance to school districts. Effective machinery to do this job is sadly lacking in many States.

Title I money also lacks coordination with Title II ESEA which provides funds for school library resources, textbooks, and other instructional materials. Fifty million dollars was allotted to school districts in fiscal 1969 under this legislation. We have indications that Title II money may be used in some school districts exclusively in non-Title I schools while Title I is spent in target schools for identical items.

When community groups complain that they cannot determine where the Title I money is going in their school system, it is often because so much of the money is used as general aid and in place of other funds.

CHAPTER IV

CONSTRUCTION AND EQUIPMENT

While Title I Regulations do not prohibit the use of money for construction purposes or for the purchase of equipment, building (or the rental of space or purchase of mobiles) and the purchase of equipment must be clearly related to a specific Title I project and essential to its successful implementation. The construction of permanent facilities is considered the responsibility of local districts and is permissable only in cases of extreme hardship. The purchase of equipment is permissable only if the local district does not already have similar equipment in its own inventory.[1]

The Office of Education has said that no more than 10 percent of a State's expenditures should be approved for construction projects. Its attempt to set a limit of 6.393 percent on the purchase of equipment was removed by Congressional action.[2] Such restrictions on the use of Title I are necessary to ensure that school systems do not spend money on hardware to the detriment of instructional programs. The Title I National Advisory Council found in its evaluation of several compensatory programs that large amounts of equipment were not a necessary ingredient of a successful program.[3]

Despite these provisions, many districts spend Title I money on the construction of regular school facilities and purchase excessive amounts of equipment, and State approval of these projects violates the Regulations and Program Criteria. The largest expenditures for equipment and construction came in the first year of Title I when almost one-third ($305 million) of the entire nation-wide expenditure was for equipment and construction. There are several reasons to account for this. In the first place, Congress did not appropriate money until after the school year had begun. It was then late to spend much of the money, to hire personnel or to put together a program. Many districts therefore simply spent their allocation on buildings and huge inventories of equipment. It is also likely that initially local and State school officials may not have understood clearly what constituted allowable expenditures under the new Act. No doubt many financially hard-pressed districts saw an opportunity to make much needed purchases. And in the South, some school systems, facing possible cut-off of funds because of their unwillingness to submit an acceptable desegregation plan, purchased large amounts of hardware that would remain in the district after funds were terminated.

The amount of money spent on construction and equipment has declined sharply since the first year. Nationwide Title I expenditures in these categories accounted for only 9.8 percent in 1968. 4/ Some States have reported a drop in the amount spent and indicated that they were rarely approving projects for large expenditures on equipment or the construction of facilities. The decline in such expenditures is probably explained by the comment of one State official that the local districts had purchased all the equipment they would need for years to come. But many States have not decreased the amount of Title I funds spent for construction and equipment. For fiscal year 1968 MISSISSIPPI spent 30 percent of its Title I allocation for these two items. 5/

While levels of expenditures in each State may now be within acceptable limits, local districts have continued to spend Title I money to construct regular school facilities, and to purchase excessive amounts of equipment in violation of Federal Regulations and Program Criteria. Some of these projects may well have benefited children from low-income families, but many of these expenditures probably deprived these same children of much needed instructional programs and additional personnel.

Construction

. The DETROIT, MICHIGAN Board of Education purchased the Temple Baptist Church with $1.4 million of Title I funds to house Title I administrative offices and activities. HEW auditors found, however, that "only a small portion" of the space was actually utilized for Title I projects and that "The greatest benefactor to date appears to have been the Temple Baptist Church Congregation" which continued to use the building in the evenings and on the weekend. The church space was "substantially in excess of that needed to accomplish the objectives of Title I...." [6]

Title I funds have been used to strengthen the dual school system despite Federal requirements that projects should be conducted in ways which eliminate racial, social, or linguistic isolation of children. In 1967 the Commission on Civil Rights pointed out that Title I money was being used to perpetuate racial segregation. [7] But the Commissioner of Education has never expressly forbid the use of Title I funds for the construction of racially separate facilities.

. In YAZOO COUNTY School District, MISSISSIPPI, HEW investigators found that Title I money was used to perpetuate segregation. Funds were used to renovate completely a dilapidated three-room black school located in a cotton field. Six portable units, including a lunchroom, purchased with Title I funds were added to the school, and covered walkways were built to connect the many portables. The result was a trailer school. At a second black school, Title I built a new library, new classrooms, and portables, connected by walkways, were added to the site.[8/]

. The FAYETTE COUNTY PUBLIC SCHOOL SYSTEM (TENNESSEE) used 90 percent of its entire Title I entitlement ($452,55) for construction of a school and 10 percent for equipment in the 1965-66 school year. When the project was submitted to the State, a site had not been acquired, a survey of building needs had not been completed, and architectural services has not been acquired. The school built with Title I funds has a predominantly black enrollment despite a Federal court order that Fayette County desegregate its school system.[9/]

Equipment

. The HEW Audit of the State of ILLINOIS for fiscal years 1966 and 1967 found that the State Department of Education's Title I office had approved purchases of equipment by local districts without obtaining assurances that the amounts were reasonable or that the equipment was actually to be used for Title I programs. The EAST ST. LOUIS SCHOOL DISTRICT NO. 189 used $228,660 to equip and operate a central instructional materials center and 22 attendance centers of audio-visual activities. But State files contained no documentation that the quantity of films and projectors purchased was "reasonable." The ALTON COMMUNITY UNIT SCHOOL DISTRICT NO.11's Title I project for 623 students purchased 475 16 mm. films at a total cost of $71,250, but the quantity of films was not explained in the State's files. In DECATUR PUBLIC SCHOOL DISTRICT NO. 61, $5,000 of its Title I budget was listed for unspecified equipment to be purchased as "additional needs are likely to become apparent."[10/]

. Some school systems do not spend their Title I money as they have outlined in their project proposals to the State. Unless districts are carefully audited, they may spend more on equipment than they told the State they would. HEW auditors found that the State of Illinois had approved a Title I project proposal from PEORIA PUBLIC SCHOOL DISTRICT NO. 150 for $523,941 of which 40 percent was to be spent on equipment. When auditors visited the district, they found that the actual amount spent was $256,735 of which 75 percent was spent on equipment. 11/

. The LOUISIANA State Department of Education spent $55,317 for equipment for uses other than Title I such as multiliths for the printing office, furniture for the Special Education Unit, and electric typewriters for the School Transportation Unit. Auditors found that the purchases had been intended as Title V ESEA (aid to State departments of education) expenses, and that they had mistakenly charged to Title I. 12/

. An HEW audit found the MILWAUKEE Public Schools used $11,621 of Title I funds to purchase 14 tape recorders and two language labs for use by a National Defense Education Act program. In addition, the district purchased three tubas costing $1,173 for a non-Title I school. 13/

. MACON COUNTY, ALABAMA purchased football uniforms with $2,230 of Title I funds.[14/] OXFORD, MISSISSIPPI purchased $35,000 worth of band uniforms with Title I money.[15/]

. The MEMPHIS City Schools spent $323,668 for equipment, materials, and facilities for training high school students in eight schools in vocational education fields for trades, industrial and distributive education and office occupations. The eight schools already had vocational education programs financed in part by the Vocational Education Act of 1963. Title I funds were used to "tool-up" for the beginning of the 1966-67 school year. The HEW audit found that this was an improper use of Title I, and that the apparent purpose of the project was "to equip schools with vocational equipment to serve future classes of children without identification of students or the nature of their educational needs."[16/]

. MEMPHIS purchased 18 portable swimming pools in the summer of 1966 at $3,500 each. The justification for the expenditure of $63,000 was that funds originally approved for a summer remedial program would not be spent and the money would otherwise be unspent.[17]

. The Patton Lane High School in SOUTH PANOLA COUNTY, MISSISSIPPI, with an enrollment of 2,069 is saturated with Title I equipment. According to a principal, Title I purchased 12 television sets, tape recorders and filmstrip projectors for every two to three rooms, several 16 mm projectors, library and text books, dictaphones, bank statement machines, mineograph machines, three calculators, 10 adding machines, 10 electric typewriters, a deepfryer, glasses and trays for the cafeteria, uniforms ($9,000), instruments, piano, music, choir robes, a bedroom suit for the home economics department, sewing machines, and a china closet. The principal commented: "We never have too much equipment. We could use more and most of the equipment is obsolete."[18]

The National Advisory Council on the Education of Disadvantaged Children noted in its 1966 report that although bright, new equipment might be a morale-raiser for teachers, much of that equipment could be a "screen for teachers to hide behind as a substitute for establishing rapport with the child."[19] Some teachers have reported that Title I equipment in their school remained in storage because they had never been taught how to use it.

- In WORTH COUNTY, GEORGIA, a district with much Title I purchased equipment, a principal of a Title I school told our interviewer that all teachers did not make use of the equipment. He thought that the district should cut down on equipment purchases and increase food services. 20/

- A principal in NEW ALBANY, MISSISSIPPI told our interviewer that materials and equipment are sent to his school without asking him what he needed. "The equipment is very useful," he remarked, "The only problem I have is getting teachers to use it." 21/

Some of the major lobbyist for the passage of ESEA were textbook publishing companies and the producers of education hardware. Their lobbying efforts have paid off because millions of Title I dollars have been used to purchase their products. In a very real sense the professional producers have influenced the manner in which Title I funds have been used as much as, if not more than, the professional educators.

A 1966 memorandum from the Arkansas Title I Director to local school systems summarizes what we believe to be the situation even today:

> "Evidence is piling up that field representatives of educational equipment and materials companies and representatives of textbook concerns and other publishing concerns are busily engaged in assembly-line production of [Title I] project proposals involving specific products." 22/

The purchase of large amounts of equipment which is either unused or unnecessary resulted in wasting millions of dollars which could have been used instead to assist poor children in overcoming their educational handicaps.

CHAPTER V

FAILURE TO MEET THE NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

The Title I Regulations are very clear about the purpose of the legislation. It is to provide educational assistance to educationally disadvantaged children in order to raise their educational attainment to levels normal for their age. Title I programs must be directed to the "special educational needs" of disadvantaged children, and these may vary depending on the child and the community. Such special educational problems might be low reading levels, inability to speak English, need for greater individual attention, or need for instruction more relevant to a child's cultural background. But the central purpose of Title I is to raise academic achievement. Expenditures for health, food, and recreation must be supportive to the main program of academic instruction and must be fully justified on the basis that the resources of other agencies are inadaquate to meet the need for these services.[1] Where school officials fail to use Title I for the special educational needs of poor children they are not only violating Title I, they also discriminate against these children, whether they be black, brown, or white.

There are wide differences of opinion as to how to raise academic achievement, but this is not our debate. We contend that Title I in some school systems is not being used at all, or only in a limited way, for academic programs for the special educational needs of children from poor and minority communities.

Too many local school systems use Title I to purchase excessive amounts of equipment unrelated to meeting the educational needs of children, to add to the administrative staff, to sponsor non-academic programs, or to provide health, food, or recreational services which may be either un-needed or may be supported by other governmental agencies or private groups. In some school districts, Title I may provide no academic assistance at all or very little, to enable children to overcome their educational handicaps.

. An HEW Title I audit of the DISTRICT OF COLUMBIA (D.C.) indicated that during fiscal year 1966 the school system spent $1.2 million out of a total of $5.6 million for programs that were not designed to meet the special educational needs of educationally disadvantaged children. One project, Environment Improvement Project, was a drop-out prevention project. The stated purpose was "to make the classrooms attractive and functional and thereby create an attractive environment for students from depressed areas." To achieve the aims of the projet, $375,000 was transfered to the D.C. Department of Buildings and Grounds for repair and renovation of target schools. Another sum of $895,177 was used for the purchase of equipment. HEW auditors found that of the amount transfered to the Department of Buildings and Grounds and reported as an expenditure, $224,199 was actually unspent. The balance of $150,801 was used to carpet 18 kindergarten rooms, replace chalk and tack boards in 54 schools and repair an administration building at a special girls' school.

The HEW auditors noted:

> "...[I]n discussing this project with [District of Columbia school officials] at the time of our review, we were informed that the environment improvement project had not been designed primarily to result in measurable benefits to students in target schools but instead to make the schools different from all other schools and therefore motivate and improve the performance of teachers and principals... In addition, school officials and a contract

> official responsible for evaluating all Title I projects stated that the project was not evaluated because criteria used to evaluate the Title I program were student oriented, and since the project was oriented toward the needs of schools rather than identifying the needs of students, there was no way to determine whether any educational benefits had accrued to students as a result of the project." [2]

. Title I funds for a summer project in the DISTRICT OF COLUMBIA were also described in an HEW audit report as a violation of the Title I policies and Regulations. The school system transfered $250,000 in July 1966 to the Department of Recreation for help in financing a summer project called "Step-Up." According to Federal auditors, the school system had no part in designing the project and could not even identify the children who participated in it. The school system had no assurance that the program would meet the educational needs of poor children, and because the district did not know who participated, there was no evaluation of the children's educational attainment. [3]

An example of a district that did not use Title I to support an instructional program during the regular school year is the BUENA VISTA DISTRICT #9 in MICHIGAN. The entire Title I program during the regular school year in 1967 consisted of hot lunch for 30 children and instrumental music for 30 children. The Title I summer program did provide a language arts program for some children, but it was conducted for only half a day, five days a week for five weeks. The district's Title I application justified the use of Title I for lunches on the basis that the regular school lunch program could not afford to pay for the lunches of 30 poor children. The district admitted that more than 30 children needed free lunches. The stated purpose of the instrumental music program was to enable children to compete successfully in the regular school program and to overcome factors which prevented "culturally disadvantaged children" from participating in special program. Among these factors was the limited number of instruments for loan and the inability of poor parents to buy instruments. Six thousand dollars of the Title I budget was used to purchase instruments.[4]

In other school districts, a minor portion of the Title I program is devoted to instructional programs. In **BENTON HARBOR, MICHIGAN**, for example, during fiscal year 1968, 27 percent of the budget was spent on dental services for 1400 children while only 19 percent was spent on instructional programs. The Title I budget specified salaries for a dentist ($15,000), five nurses, a dental assistant, a dental hygienist and a secretary. Other budget items consisted of the cost of supplies and operation of a dental office ($5,000) and a medical and clothing fund ($3,000).[5/]

Some school systems do not use Title I to provide assistance to children with special educational problems, particularly those with substantial numbers of Mexican-American or Puerto Rican children from Spanish speaking homes. These children face the impossible problem of coping with the regular instructional program which is conducted in a language foreign to them. When the school system does not provide bilingual programs to help them learn English and at the same time make use of their first language, these children inevitable are held back. They fall behind, become discouraged, drop out of school at an early age, or become relegated to classes for the educable mentally retarded.

- In BAKERSFIELD, CALIFORNIA where 22 percent of the school enrollment is Spanish-speaking, no bilingual program is funded by Title I. The in-service training for Title I teachers does not include any training in

Spanish to enable teachers to communicate with their Mexican-American students even though Mexican-American students constitute approximately 50 percent of Title I participants. In Bakersfield and other districts there has been controversy over the exclusion of predominantly Mexican-American schools from the Title I program. Only two of the four elementary schools in Bakersfield, enrolling more than 50 percent Chicano students, were included in the Title I program in the 1968-69 school year while three of the four predominantly black schools were included.[6/] In part, the exclusion of certain schools may be due to the insistence of the State's Office of Compensatory Education that Title I funds be concentrated on fewer children in order to produce the maximum academic achievement. However, Mexican-American parents complain that their children are the first to be cut out and that the criteria for concentration of funds do not include any consideration of the language problems of a substantial proportion of the poor population. Mexican-American parents further contend that English As a Second Language programs sometimes funded by Title I are not a substitute for bilingual instruction because such programs do not include instruction in Spanish which is a vital part of the child's cultural heritage.

- The Office for Civil Rights of HEW recently notified the BAKERSFIELD CITY SCHOOL DISTRICT that it was in violation of Title VI of the 1964 Civil Rights Act because of discrimination, in part, against Spanish-speaking students. HEW charged that Bakersfield fails to provide Spanish-speaking children with the programs necessary to assist them in overcoming the language and cultural barriers which prevent them from enjoying equal educational opportunities. The school district had made no effort, according to HEW, to determine which of its Spanish-surnamed students were not fluent in English and had failed to provide programs designed to meet their special language needs. Title I was not used to provide such programs.[7]

- Another failure of local school officials to use Title I to meet the special educational needs of disadvantaged children comes from OAKLAND, CALIFORNIA. In 1967, Oakland's Lockwood Elementary School was designated as a Demonstration Center and Title I funds were invested in a media center, a music program and a health and physical education program. Five physical education teachers were hired for a physical education program, the goals of which included the necessity of exercise to "prevent heart trouble" and to increase the "flow of blood to the brain," and to provide instruction on the ill effects of the use of tobacco, alcoholic beverages and drugs. Parents of Lockwood students asked whether the money could not have been used to provide instruction in remedial reading. They were reportedly told by school officials that they knew what was best for their children and that the special physical education program would help their children read better.[8]

. We also have disturbing evidence that some Title I programs may be designed to serve the economic interests of the affluent population rather than the educational needs of poor children. In BENTON COUNTY, MISSISSIPPI, Title I funded a six-week course in home-making for 11th and 12th grade black girls at the Old Salem School, an all black school. The home-making course was conducted in private homes three days a week for four hours each day. At the white high school Title I provided a summer school program in math and English. We suspect that these black girls were being trained with Title I money to become maids for the local population.[9]

- The HEW audit of MASSACHUSETTS identified 22 out of 24 approved applications that did not provide any assessment of the needs of children as required by Office of Education Program Criteria. The audit report commented: "Until such time as these... criteria are met we believe that certain inequities could result because the needs of certain groups of educationally deprived children may possibly be ignored." The Massachusetts Audit further revealed that $1 million of Title I funds, in 3 separate fiscal years (1966, 1967 and 1968) allocated to the State went unused. In the auditors judgment, this money was not used to meet the needs of educationally deprived children because of the State's poor management. 10/

- In BOSTON, MASSACHUSETTS, School officials told HEW auditors that limited Title I funds precluded providing additional service to some attendance areas with high concentrations of children from low-income families. In fiscal year 1967, Boston did not spend $412,000 of its Title I entitlement, and in fiscal year 1968, $263,000 was expended. 11/

- The NASHVILLE-DAVIDSON COUNTY, TENNESSEE school system used $79,942 of Title I funds to convert a manual pupil information system to a computerized pupil data system. The system, which was designed to identify needs of children and report them to a central facility daily, served all students in the project area rather than only the educationally deprived children. HEW auditors found that the system was not designed to meet identified needs of deprived children but to accumulate data for future use.[12/]

- The LOUISIANA Audit further noted the construction of two olympic-sized swimming pools in CLAIBOURNE PARISH built with Title I funds. The two outdoor pools were located at black schools, but the auditors were told that no other schools had swimming pools. The two towns in which the pools were located operated municipal swimming pools during the summer months.[13/]

- The method for allocating Title I to school districts prevents local school officials from meeting the needs of its poor students. Congress allocates money to counties, and where there are several school districts within a county, the State has the responsibility for dividing the Title I allocation among the districts. Because of the manner in which CALIFORNIA divides Title I funds, predominantly Mexican-American districts have been receiving fewer funds. The EL RANCHO UNIFIED

SCHOOL DISTRICT in **LOS ANGELES COUNTY**, for example, received $362,000 in 1965, $308,000 in 1966, $247,000 in 1967 and $172,000 in 1968. The district estimated that it would receive approximately $100,000 in 1969. A school board member of El Rancho Unified School District reported that:

> "Due to the severe reductions, our programs under Title I have also been drastically reduced to such a degree that many of our Mexican-American youngsters once served under the program can no longer receive the educational benefits provided under Title I." 14/

- In **DARLINGTON COUNTY, SOUTH CAROLINA**, the superintendent described the summer Title I program, a preschool program in the black schools staffed primarily by white college students, as a wonderful experience in human relations, but a black leader said he thought the program was simply a way of giving summer jobs to white college students. No contact had been made with the black community regarding the summer program. 15/

- Some Title I summer programs fail to provide for the academic needs of educationally disadvantaged children. In **WORTH COUNTY, GEORGIA**, for example, an academic program was operated in the white school 16/ and a recreational program was operated in the black school. Although black students may transfer to the white school for the summer program, many do not wish to challenge the traditional barriers of racial separation. This practice indicates that school authorities sometimes have little expectation that black or brown children can benefit from academic work and that white children can.

. The Office of Education policies require that program evaluations must meet the needs of children and not the needs of research specialists. However the COLUMBUS, OHIO school system paid Ohio State University $317,565 for evaluating Title I, but the research project, according to HEW auditors, seemed designed to meet the needs of researchers and the thesis requirements of graduate students rather than the needs of educationally disadvantaged children. According to Ohio State, the purpose of the evaluation project was not "service" but research into evaluation techniques and instruments. The Ohio State Department disputed this conclusion and declared that the evaluation was a "prudent and wise use of funds." HEW auditors replied that the State's assertion was undocumented. 17/

Until Title I is used to meet the educational needs of poor children, the goals of the legislation will not be met.

CHAPTER VI

LACK OF COMMUNITY INVOLVEMENT AND DENIAL OF INFORMATION

No educational effort can truly succeed apart from the community in which the students live. The Office of Education recognizes this and requires that each local district provide for the maximum practical involvement of parents in the design, planning, operation, and evaluation of Title I programs. Some appropriate vehicle for community involvement, such as a Title I advisory committee, must be established by school systems, with at least half of the committee composed of parents and representatives of community agencies serving the poor community. The Title I program itself should include activities and services in which parents may be involved.[1/]

Many school districts ignore these requirements, and where they are followed, they are often manipulated in such a way as to exclude the community or make it more difficult for poor people to become involved in and knowledgable about Title I programs. Most people in poor and minority communities, including those on existing Title I advisory committees, do not know that the project application that every district must file with the State in order to receive its Title I entitlement must include the signature of the head of the local community action agency certifying that it had been involved in the planning of the proposed project. Approval by community action agencies in many communities is a perfunctory exercise signifying no involvement in the design of Title I projects.

The National Advisory Council on the Education of Disadvantaged Children reported in its 1968 study that out of 116 programs observed by its consultants, only two reflected an attempt to involve parents. The Council concluded: "... one area of almost no apparent progress is... parent involvement..." [2/]

In some communities, there has never been a Title I advisory committee and the poor community is completely unaware that one is required. In other communities, an advisory committee may exist in name only, but poor people, including sometimes its supposed members, are unaware of its existence. For example, 191 parents were interviewed for this study and not one, including active community leaders, was informed about Title I and how it operates. A few were vaguely aware of Title I, but the vast majority of parents knew nothing about the program although they might know about changes in their child's school. Interviews with several principals of Title I target schools confirmed that parents are not involved in the planning or execution of Title I projects and that Title I advisory committees do not exist. Most school officials whom we interviewed indicated that decisions concerning the needs of children and the allocation of funds were made by a few school personnel with little or no consultation with poor, white, black, or brown people.

. The DORCHESTER COUNTY (SOUTH CAROLINA) Voters League recently sent a memorandum to the superintendents of the three school districts in the county asking for a list of the local advisory committees and an explanation of how the members were chosen. The Voters League, the most active group in the black community in a county that is 65 percent black, had no knowledge of any Title I advisory committee and had only recently been aware that such a requirement existed.[3]

. The Title I Coordinator in ALBURQUERQUE, NEW MEXICO told our interviewer in August, 1969 that he hoped to start a committee soon.[4]

- In ABERDEEN, MISSISSIPPI, several black citizens were called together by the district superintendent in August, 1969 and told that they were members of the Title I advisory committee. The superintendent of schools told the group that he had already sent the Title I proposal to the State, but he wanted to let them know what the proposal contained. This action took place after the Commissioner of Education had written to the Mississippi State superintendent of education regarding the State's failure to require local districts to provide for adequate involvement and participation of local citizens.[5]

- In OXFORD, MISSISSIPPI, the Title I coordinator told our interviewer that an advisory committee representing a broad cross-section of the community made decisions about the Title I program and that meetings were held fairly frequently and were well attended. But the principal of a Title I school told the interviewer that there had never been any advisory committee. Moreover, a parent whom the Title I coordinator identified as a member of the advisory committee, denied any such membership and said that she knew of no meetings which the committee had or which had been attended by anyone she knew. She had attended PTA meetings, but had not heard any mention of plans for Title I funds. [6]

- A Mexican-American mother, active in the TUCSON, ARIZONA poverty program and knowledgable about her community, complained to our interviewer that she did not know how the funds were spent. A black worker active in a neighborhood Office of Economic Opportunity center asked how Tucson got Title I funds without the poor being informed. [7]

- An HEW audit of Title I in OHIO found that in three cities - TOLEDO, AKRON, and COLUMBUS - the local community action agency stated in the Title I project application that it had not been included in planning the Title I project. [8]

- Parent interviews in COOK COUNTY SCHOOL DISTRICT #151 (Phoenix-South Holland), ILLINOIS revealed that the black community had not been properly informed, if at all, of any meetings held about Title I. Our interviews reported: "There seems to be little or no knowledge of any new programs within the schools..." [9]

- An interviewer in SUMTER COUNTY, ALABAMA reported that he spoke at a community meeting about Title I, but there was little awareness of what Title I was. [10]

In some communities, a Title I advisory committee exists, but poor and minority people do not think it represents their interests. These advisory committees generally are appointed by the superintendent, the Title I coordinator, or the principals and may be composed entirely of school personnel. The advisory committee usually agrees with the proposal drawn up by a few school officials and acts as a rubber stamp. Members of the committee may even be unaware of the content of the proposal which they approved.

. Parents and officers representing civic groups in seven MISSISSIPPI school systems reported to the Office of Education in April and May of 1969 that they had no knowledge of Title I programs and expenditures in their districts, that school officials had rebuffed overtures to establish parent involvement, that black principals and teachers frequently knew nothing about Title I programs in their own schools, and that where advisory committees existed, their members were selected by white school officials or board members and performed no real function. Parents had been told they could not see the project application or any other Title I material.[11/]

- In NEW YORK CITY, The Council Against Poverty was established in September 1966 to increase participation of poor people in anti-poverty programs. It was then the only policy-making organization for the city's anti-poverty programs, and attempted to work with the board of education in planning Title I projects. But it was frustrated in its attempts. The Council's chairman, Reverend H. Carl McCall, wrote to the President of the Board, Lloyd Garrison, in October, 1966 informing him that the Council was in no position to approve the proposed projects because:

> "In spite of repeated requests, this agency has not received information sufficient to permit it to make an informed judgment. To this date, it does not know the Board's goals or priorities or even the specific areas and schools in which Title I projects are proposed." 12/

The next year the Council Against Poverty, and board members were again denied access to evaluation reports of the previous year's Title I programs until just before the monthly board meeting. Hearings were held in August on programs that would commence in September. An observer of the New York City school system writes:

> "Evidence on this controversy suggests that the Board of Education at least partly disregarded the spirit and intent of the Federal law. It used traditional organizational strategies -

> delaying the formulation of a program until it was too late for any citizen review; informing the board members on the program at the last possible moment; maintaining a facade of consultation through citizens groups in the form of "democratic ceremonials" while refusing to invite them in on any joint planning basis. And it did this despite a Federal law and an increasingly enraged citizenry who were opposed to that style." 13/

Denial of Title I Information

It is clear that many parents and community leaders are unaware of the Title I program in their school district. But many citizens have sought Title I information from local and State school officials and been denied. Federal Regulations provide that the terms and provisions of each approved project should be made available for public inspection. The Office of Education interprets this provision to mean that any citizen must have the opportunity to examine Title I materials and to make copies of them at his expense.

Yet private citizens, including interviewers for this study, were denied access to project applications. Some school officials even refused to provide specific information on the number of children participating and how Federal money had been spent.

- School officials in ANDERSON #5, SOUTH CAROLINA, and AUTAUGA, GREENE, and SUMTER COUNTIES, ALABAMA denied our interviewers access to materials. In Anderson #5, a school official told our interviewer that he was not going to show records to anybody. "How do I know you're not a Communist," he said. In TELFAIR COUNTY, GEORGIA, our interviewer was permitted to look at Title I records but not to make copies of them.[14/]

- Black citizens in MISSISSIPPI have had continuing problems with local and State officials who have denied them Title I information contrary to Federal Regulations. As a result of complaints to the Office of Education regarding denial of Title I information, Commissioner James E. Allen wrote to the State superintendent of schools reiterating the Federal provision on public information of Title I records. Since then Mississippi State and local school officials have intermittently made available Title I records or portions of Title I records. Our latest information, however, indicates that local black citizens are continuing to experience denial of public information.

Interviews in school systems across the country elicited responses from school officials that serve to explain why there has been a lack of community involvement, a failure to establish and utilize Title I advisory committees, and a denial of Title I information. Some school people were courteous, frank and anxious to provide information about Title I programs and they were very helpful in providing materials for this report. Other school officials were not only unhelpful, but were openly hostile and antagonistic to the interviewer.

- A WAUKEGAN, ILLINOIS school administrator told our interviewer that the administration knew "everything" and thus he saw no need for community involvement.[15]

- In TUCSON, ARIZONA a principal was asked about community involvement and responded: "We don't need that kind of involvement."[16]

- A principal in OXFORD, MISSISSIPPI told our interviewer that parents "play no part" in the Title I program, but that since he himself was a parent any decision he made would be sufficient for other parents.[17]

- A parent in BAKERSFIELD, CALIFORNIA reported that a school official told her that her child was eligible for special classes but would not be admitted because her child "did not want to learn."[18]

In several other communities our interviewers reported that some school officials reflected an attitude that Title I children were beyond help. Some school personnel apparently believe that brown, black, and poor children are inferior. In communities where there is outright hostility to minority rights, poor parents definitely believe that neither the schools nor the Title I projects are being run in their interest.

We believe that a major cause of the lack of community involvement in the Title I programs in many school districts stems from a lack of communication. Too many school systems rely exclusively on newspaper, radio or PTA meetings to convey information. Poor parents often cannot get information through these channels or because of the press of work and family problems cannot attend meetings. There has been a general lack of effort in many districts to reach out into the community and make sure that not only are parents aware of what is happening in their children's schools, but that they are involved in decisions affecting their children.

A school official in ALBUQUERQUE, NEW MEXICO commented that he thought the communication gap was the school system's fault because it made no effort to extend itself into the homes.[19]

The communication gap exists between the school and parents in many communities. However, it can be closed where there is a genuine willingness on the part of the school establishment to communicate with and be accountable to the poor and minority communities. Poor people want to participate. Several parents commented during our interviews that they would be glad to have more information about their schools and that they would appreciate the opportunity to learn about and become involved in Title I projects. Comparable willingness on the part of school officials could involve citizens in school affairs.

CHAPTER VII

FEDERAL AND STATE ADMINISTRATION OF TITLE I

The responsibility for administering Title I is divided among the institutions traditionally responsible for American education - local school systems, State departments of education, and the Office of Education. So also is the responsibility for illegal use of Title I money shared by these levels of government.

That there has been misuse of Title I funds in many State and local programs stems in large measure from inadequate, and often negligent administration of the law. The States' unwillingness or inability to administer a large Federal program according to the law and in the best interests of poor children should deter any trend to give the States still more control over more programs as advocates of "bloc grants" urge. With few exceptions, the States lack the ability to administer competently programs in a manner faithful to national policy.

Division of Authority

The Federal government has overall responsibility for implementing the national policy of helping educationally disadvantaged children. The responsibility for approving projects rests with the States. Although both the State and Federal governments are ultimately responsible for implementing the legislation, basic decisions about the allocation of Title I resources are made at the local level. This report provides numerous examples of decisions concerning the allocation of resources that are illegal, unwise, and often unresponsive to the needs of children.

While all three levels of educational administration are legally responsible for implementing Title I, the Federal government has special responsibility. Broad authority rests with the Commissioner of Education to establish policies and procedures for the program and criteria for the design and approval of specific projects. The law and the Regulations direct the Commissioner to:

- determine the maximum grant to which each local system is entitled;
- establish basic criteria for use by the States in approving local projects;
- approve State applications for participating in the program;
- make periodic audits of State and local expenditures;
- withhold Title I payments to State and local

educational agencies when there is a failure (after reasonable notice and opportunity for hearing) to comply with the Regulations;

- provide national leadership and support to meet the aims of the legislation.

State Departments of Education are required to:

- implement the criteria established by the Commissioner;
- approve project applications from local educational agencies and determine that approved projects are actually implemented;
- establish accounting and fiscal controls which assure proper distribution of funds;
- provide for annual audits of State and local expenditures;
- investigate complaints;
- make periodic reports to the Commissioner evaluating the effectiveness of local projects;
- make available for public inspection the terms and provisions of all approved Title I projects;
- provide State leadership to carry out the goals of the legislation.

The Office of Education, the Federal agency responsible for the administration of Title I and the implementation of Congressionally determined policy, views Title I as a State program, and looks to the States to implement the criteria it has set forth. In turn, many States take the position that Title I is a local program and that they merely act as conduits for Federal funds. Some local school officials take the attitude that criteria for spending money are set down by the State and thus Title I is not truly a local program and reason that if Title I were a local responsibility, local districts could literally spend the money in any way they saw fit, including using it as general aid to education. Thus real responsibility for administering the law and spending the money is commonly not accepted at any level. Rather, it is shunted around in such a manner as to make impossible any rational and coherent administration.

No doubt real problems obstruct the orderly administration of the law. School officials unanimously agree that late and uncertain Federal funding makes planning and hiring of qualified staff extremely difficult. Insufficient staff to monitor Title I projects and meet the State's obligations under the law is another problem. Some State officials say that their job is made more difficult by the failure of the Office of Education to insist on its own criteria for projects and the failure of the Federal government to back up the State when it does seek to require local districts to adhere to Federal criteria in its expenditure of money. The sheer size of the Title I program and its uniqueness in American education further contribute to difficulties in administering the program.

Administration is also complicated because Title I is caught in a political thicket. State education agencies have historically guarded their prerogatives jealously against what they consider the imminent encroachment of Federal control. In some areas, local authorities are as suspicious of State power as States are of Federal power.

The Office of Education has always dutifully honored the prevalent philosophy of State control over education in its administration of Federal programs, Title I is no exception. The powerful Council of Chief State School Officers has defined what it thinks the Federal role in education should be:

> "The U.S. Office of Education should become a cooperating partner of local and state educational systems, with all levels of government using a team approach to achieve the basic purposes of public education." [1/]

"Cooperating partner" is the key to the division of authority. Even when national policy is at stake, the States not only define what the Federal responsibility will be, but they assign to the Federal government a junior partnership in achieving the basic purposes of national legislation. The Council of Chief State School Officers' position is that:

> "The Federal government should assist the States financially, but it should not seek to require uniformity ... through Regulations or other techniques affecting eligibility of State or local educational agencies to receive Federal funds.[2]

The philosophy of State control is so deeply embedded that some States have refused to permit Federal auditors to audit Title I projects at the local level. In an audit report of Title I in NEW YORK STATE at the time when James E. Allen (presently U.S. Commissioner of Education) was State Commissioner of Education, HEW auditors reported:

> "Although we determined that the records at the State level were inadequate, the State agency did not accept our request for clearance to visit [local educational agencies] for audit purposes on the grounds that such action would weaken or interfere with the normal State-local relationship."[3]

Thus, State control of education has been used to prevent the Federal government from auditing its own programs. An audit report of the State of KANSAS stated:

> "During fiscal year 1967, the State Agency had conducted audits of some local educational agencies receiving [Title I funds] ... Our reviews disclosed certain weaknesses and documentation of the audits performed. We were particularly concerned about this problem since the State Agency has insisted that audits of local educational agencies be carried out by the State rather than the HEW Audit Agency."[4]

The extent to which State and local school systems have violated the letter and spirit of the law demonstrates what can happen when the Federal government adheres to the time-honored policy of local control. The Federal government has been timid and negligent in implementing Title I. As a result the rights of children whom Congress designated as the sole beneficiaries of Title I have gone unprotected. Clearly, fears of Federal control are unwarranted based on the evidence. If anything, there has been too little Federal control.

The "cooperating partnership" between Federal, State and local education authorities may mean that a national law like Title I is not implemented properly. Chicago is a case in point. An HEW audit of ILLINOIS in the first fiscal year of the program found that the Chicago Public Schools spread Title I funds to 228 schools in the poverty areas of the city instead of concentrating funds on those children most in need so that there would be reasonable promise of success.[5/] This practice is a violation of the requirement for concentrating services. The State Title I office has attempted to secure Chicago's compliance with this requirement, however, its recommendations have generally gone unheeded and Chicago continues to spread Title I resources to all poverty-area schools. A State of Illinois official told our interviewer that the State did not feel that it had the authority or power to enforce this requirement even though it is a Federal requirement. Nor has the Federal government taken steps to enforce the requirement in Chicago or elsewhere to our knowledge. A State official was convinced that the State would have a much stronger hand in enforcing the Federal requirement if the Federal government itself was serious about enforcing the law. For example, the official commented, the Federal government comes in and does an audit but it never follows up by insisting that corrective action be taken. When local school systems find that the Federal government is not going to force the issue, they ignore the State with impunity.

State Management

The Council of Chief State School Officers believes that:

> "It should be entirely possible and practicable for Congress to define national educational goals to be met through federally financed programs and thereafter to rely upon state and local agencies for the details of their administration." [6]

Unfortunately it is neither possible nor practical, for national goals are subverted by inadequate management at the local and State level and the responsible Federal agency does little to correct the situation.

Misuse of Title I money discussed in previous chapters is well known to Federal and State authorities. Indeed, the HEW Audit Agency issued a special report to the Office of Education in March, 1969 summarizing the instances of improper administrative procedures and misuse of funds on a State by State basis for the 15 audits it had completed. [7] Each State audit is discussed with State officials and the audit report itself is submitted to the State for comment, response, and further information. A period of months follows while Office of Education and State officials negotiate during which State officials attempt to justify the expenditures questioned by the auditors. In a few instances, the States are responsive to Federal findings and seek to take corrective action. But in other instances, some States categorically refuse to respond to the issues or to accept the validity of the findings.

. HEW auditors found INDIANA State officials unwilling even to discuss the audit findings. The audit report noted:

> "The state representatives did not avail themselves of the opportunity to discuss the findings and recommendations presented in our report at the exit conference arranged for that purpose. They stated, instead, that they wished to be quoted as neither agreeing nor disagreeing with our findings and recommendations. They refused to engage in any discussion of matters disclosed in our audit report to furnish a reason for their statement." 8/

. In an audit of Title I in ILLINOIS, HEW auditors questioned the excessive purchase of audio-visual equipment in several school systems, and State officials responded:

> "With respect to the amount of materials and equipment purchased, we emphasize these were professional judgments of professionally trained school administrators. We question whether a man without specific training in the field of education and no experience as a school administrator can make a valid judgment in this area." 9/

. When HEW auditors questioned the lack of a proper audit procedure in GEORGIA, the State Superintendent responded:

> "... The amount of ... Title I money provided for the State Department of Education administration ... is not enough at this time to cause a greater amount to be expended by our Financial Review Section ... for ... Title I review work, and furthermore the legal responsibility for actual audit work in Georgia rests in the Duties and Powers of the State Department of Audits." [10]

HEW audit reports and our own interviews uncovered major problems in the administration of Title I at the State level. Many of these problems concern fiscal and management controls. The major deficiencies in State administration which affect the quality and appropriateness of projects and determine whether benefits are reaching eligible children are the approval and auditing of projects.

Approval of Projects

In some States where we interviewed officials it was apparent that the approval of Title I project applications and the determination that the programs met Federal Criteria is a prefunctory exercise at best.

- In SOUTH CAROLINA the Title I coordinator was asked how the State determined that local Title I programs were meeting the needs of the educationally disadvantaged children. He replied that the local officials who are closest to the problems know what their students need, so their decisions concerning use of the funds are accepted without question.[11]

- An ILLINOIS official told our interviewer that each regional supervisor was able to evaluate project applications based on his personal knowledge of the district and its past programs. In some cases this judgment is based on one or two visits a year to the local school district.[12]

In some States, officials rarely approve a project application without some changes. However, States have approved projects without sufficient information to determine whether the program will meet the goals of Title I. The Director of HEW Audit Agency reported to the Office of Education that :

> "In five states we noted that the [State Agency] had approved projects and advanced funds to [local districts] for projects that had not been submitted in substantially approvable form or the project data lacked pertinent information needed for determining that project objectives met the requirements of the Act."[13]

Audit of Projects

Our State interviews and the HEW audit reports clearly indicate that many States have failed to carry out their fiscal responsibilities for the Title I program. The Director of the HEW Audit Agency reported to the Office of Education that 14 out of 15 States audited did not have adequate accounting and fiscal procedures and that most States did not exercise sufficient control over funds disbursed to local districts. One problem common to many States is the inadequacy of the audit procedures. The HEW Audit Agency found that in 12 out of 15 States, the States had made few or no audits of local districts and that when audits had been made, the State took no action on the items questioned. [14/]

- The HEW audit of NEW YORK STATE for fiscal year 1966 revealed that the State had not audited Title I projects in the three largest school systems - New York City, Buffalo, and Rochester. [15/]

There is no special audit of Title I programs in some States. Districts often arrange for a local accounting firm to audit their books annually, but this auditor is not provided with specific information about Title I and the criteria for expenditure of funds, so the audit is inadequate.

- In some States, such as MICHIGAN, the State Department of Fiscal Management condicts audits of local systems including Title I, but the State Title I coordinator never sees the results of these audits. Any information uncovered in these audits concerning Title I violations is referred to the responsible State office only if the finance officer decides to do so. The Michigan Title I coordinator said that he "assumed" that the Fiscal Management Office handled instances in which their audits uncovered improper expenditures, but he himself knew few details about the State Audit reports.[16/]

In March of 1969 the HEW Audit Director reported to the Office of Education that 78 specific weaknesses in 10 areas of program management had been uncovered in State and local administration of Title I. He advised that State administration of Title I needed improvement in four specific areas:

1. better financial management to insure that Title I funds are spent in accordance with the law;
2. clearer understanding of the allowability of administrative and overhead costs for Title I program purposes;
3. more effective procedures for controlling and reviewing "the substantive aspects of proposed local projects to insure that the objectives of the law ... are met";
4. more effective auditing by States of local

projects. 17/

Furthermore, the problems brought to light by these audits had not always been remedied by State authorities. "Additional audits of the Title I program in 20 States now in process," reported the HEW Audit Agency, "indicated that the basic problems discussed in this report still exist and have not yet been fully resolved." 18/

- Apparently HEW audits have had relatively little impact on the administration of Title I in some States. For example, the second audit of ILLINOIS noted:

> "Action taken by the State agency to implement the recommendations and resolve the questioned costs in our prior audit ... has been untimely and ineffective. As a result many of the illegal and improper practices and procedures discussed in our prior report were continued during the current audit period are presented in this report as repeat findings." 19/

In the second audit of COLORADO, HEW auditors wrote:

> "In our previous audit of the Title I program, we discussed weaknesses in the administrative areas ... State Agency officials concurred in our recommendations ... [but] adequate corrective action has not been taken and these areas are discussed again...." 20/

- In December of 1968 the HEW Audit Agency completed the second audit of CALIFORNIA'S administration of Title I. In reviewing the status of its prior recommendations, the report commented:

> "Although the State was responsive to the need for improvement in administering the Title I program, our current review in other school districts in the State disclosed that the same problems continued to exist." 21/

Why do these problems in the administration of Title I persist despite the recommendations of the Federal auditors and the acknowledgement of the State? A large part of the answer lies in the fact that State departments of education are not yet equipped to administer a large program of aid to local school districts. Even a State such as California with a better than average record in administering Title I, finds difficulty in attempting to meet all of its obligations under Title I on a limited administrative budget. California's Title I office responded to the Federal audit:

> "The Office of Compensatory Education must service 800-900 projects in individual school districts ... in each fiscal year ... Resources have primarily ... been devoted to the development and approval of projects that are in accord with law ... School districts will continue to require substantial assistance in meeting all of these primary obligations ... Existing staff must continue to devote their major efforts to insuring that only eligible projects are approved." 22/

Federal Administration

Since Title I began the HEW Audit Agency has conducted audits of programs in 24 States and the District of Columbia. The audit reports cover, for the most part, the early years of Title I, but some audits cover more recent years. The HEW Audit Agency sends its audits to the Office of Education which has the responsibility for acting on the auditors' recommendations. The audit reports have brought to light numerous violations of the law and have recommended that millions of dollars be recovered by the Federal government. Yet in only three cases has the Office of Education sought and received restitution of funds illegally spent.

Massachusetts returned $692 which has been spent on staff salaries prior to approval of local district's project. Wisconsin has returned $43,653 which represented salaries charged to Title I in Milwaukee when only a portion of staff time was spent on Title I activities. Two Federal audits of Chicago, in which auditors recommended that the Office of Education seek recovery of approximately $1.2 million, are still being negotiated by State, local and Federal officials. The Office of Education, however, did ask and receive $249,642 from Chicago which represented interest earned on Title I funds deposited in the school system's bank account. With these exceptions there has been no Federal action against State and local districts which have used Title I funds contrary to the law and Regulations. [23/] In seven other cases, there has been a final determination of an audit by the Office of Education but none of these involved any financial restitution.

Even in the most flagrant cases of unlawful use of the money - the two swimming pools in Lousiana for example - the Office of Education has failed to act. When the Office of Education has recognized the existence of widespread violation of the law, the Commissioner of Education has responded to it by sending a memorandum to the State school superintendents calling upon them to see that local districts take corrective action. The States normally circulate the Federal memorandum to local officials with this typical comment:

> "It is expected that you will take appropriate action to see that your Title I program is planned and operated in keeping with the information contained in the guide." [24/]

The circulation of Federal memorandum reiterating the Regulations has not served to correct the abuses. Federal administration of Title I has been characterized more by exchange of paper with the States than by firm action.

The Office of Education does not conduct regular program reviews of Title I in States or local districts. Only in Mississippi has a program review been conducted, and it is still not known whether this practice will be extended to other States.

The Office of Education and Mississippi

In response to numerous and persistent complaints from black citizens of Mississippi, the Office of Education conducted a program review in July and August of 1969 of Title I in 20 local school districts and reviewed the State's administration of the program. The results of that program review have not yet been made public, and negotiations are going on between the State and Federal government with respect to the operation of Title I in Mississippi. However, in a letter of July 9, 1969, Commissioner James E. Allen informed State Superintendent Garvin Johnston that as a result of the program review, the Office of Education had reached "preliminary conclusions" concerning Title I operations. 25/

The Office of Education found that Misssisippi had not enforced Federal policies with respect to Title I projects applications, that it was not helping local districts develop projects which would meet the needs of educationally disadvantaged children, and that the State was not providing sufficient monitoring of Title I programs. In its review of local district Title I projects, the Office of Education found:

1. supplanting of State and local funds;
2. excessive expenditures of capital outlay (i.e. construction and equipment);
3. use of Title I funds to maintain segregation;
4. use of funds in non-target schools;
5. use of funds as general aid.

On the basis of these conclusions, Commissioner Allen instructed the State Superintendent of Schools on July 9 not to approve any Title I projects for fiscal year 1970 until certain remedial action had been taken. As school opening approached, that order was amended and Mississippi was instructed to approve only those projects in such critical areas as "health, nutrition, instruction and welfare." A Federal freeze has been put on any projects from Mississippi districts for expenditure of Title I funds on construction, equipment and supplies, cultural enrichment projects, or the provision of custodial services. [26/]

As a result of this Federal action, State Superintendent Johnston called all Mississippi superintendents together on July 30 to announce "new" policies for the administration of Title I programs. Dr. Johnston told the Superintendents that these "new" policies would mean "radical changes" for some districts. [27/]

The "new" policies announced by the State required that:

1. school districts have a functioning advisory committee;
2. school districts establish complaint procedures;
3. Title I funds be used to supplement rather than supplant State and local funds;
4. Title I applications show that the needs of eligible children had been assessed;
5. the State Department review proposals for construction and the purchase of equipment;
6. school districts make Title I information available to the public;
7. Title I services follow eligible children to non-target schools.

The most potentially significant Federal requirement is that local districts achieve comparable services, facilities and expenditures in the target and non-target schools. State Superintendent Johnston has taken the position that this should be accomplished by September, 1971. On the other hand, Commissioner Allen has strongly urged that comparability be accomplished in Mississippi one year earlier, in September, 1970, and that intermediate steps be taken at once. This requirement is one of the issues involved in the current negotiations between the Office of Education and Mississippi.

There are several lessons to be learned from the series of events surrounding the Office of Education's involvement in Mississippi. First, the action taken thus far by the Commissioner of Education illustrates what can be accomplished by positive Federal leadership and enforcement. Past evidence indicates that if the Commissioner of Education had not taken action to halt the approval of 1969-70 projects, the State would not have acted by calling a meeting of local superintendents and issuing "new" State policies for Title I. Indeed if the Federal government had not acted, misuse of Title I money would have continued unabated for the State had given no indication that it would implement Title I policies most of which were announced almost four years ago when Title I money began to flow to local school districts.

Secondly, the comparability requirement could become a major Federal tool in forcing school systems to eliminate disparities between schools attended by poor children and those attended by more affluent children. This could have a major impact in Mississippi as well as other States.

Third, the fact that the Office of Education did not act until there was overwhelming evidence of illegal practices from private sources, as well as a law suit, indicates clearly that there are no regular, on-going Federal procedures for ensuring that Title I is meeting the goal set by Congress. The question remains whether the Office of Education is prepared to institute regular program reviews of Title I in all other States.

Fourth, the Office of Education has asked Mississippi to provide "regular reports" on the steps it will take to improve the administration of Title I. What the Office of Education will do with these reports and whether the Commissioner is prepared to determine whether Mississippi is actually implementing its "new" policies remains to be seen. Will the Commissioner permit Mississippi school officials to violate Title I requirements until 1971, or will he insist that steps be taken now to achieve comparable resources and facilities in the schools of Mississippi?

The answers to these questions will provide some indication as to whether the Office of Education intends to enforce the law in the interests of educationally disadvantaged children, or whether it will continue its present course of timid administration and implementation of Title I.

SUMMARY AND CONCLUSIONS

This is not a comprehensive report on Title I. We did not have to probe deeply to uncover violations of the law, Regulations and Program Criteria of Title I, or to learn that many Title I programs are poorly planned and executed. Many of the misuses of Title I funds are so gross that even non-experts can readily spot them. We hope that private organizations and/or public agencies will probe more deeply in attempts to correct the abuses pointed out here and others that we have not touched upon.

One of the major criticisms of some OEO Community Action Programs is that community people do not have the expertise to administer programs, particularly those involving the management of substantial amounts of money. The evidence is clear that there is a great deal of mismanagement connected with Title I, which is supervised by education experts. It might be worthwhile for someone to compare the administration of a Community Action Program and a Title I program in the same community.

In this report we have tried to spell out Title I requirements and match them against what is actually happening in many districts. We found that although Title I is not general aid to education but categorical aid for children from poor families who have educational handicaps, funds appropriated under the Act are being used for general school purposes; to initiate system-wide programs; to buy books and supplies for all school children in the system; to pay general overhead and operating expenses; to meet new teacher contracts which call for higher salaries; to purchase all-purpose school facilities; and to equip superintendents' offices with paneling, wall-to-wall carpeting and color televisions.

Though Title I funds are supplemental to regular money, there are numerous cases where regular classroom teachers, teacher aides, librarians, and janitors are paid solely from Title I funds. New school construction and equipment, mobile classrooms, and regular classroom construction and equipment are common costs charged to local Title I budgets which should be paid for out of regular school budgets.

Title I funds are not to supplant other Federal program funds. But the extent to which Title I funds have been used to feed educationally deprived children, to purchase library facilities and books, to provide vocational education for disadvantaged students, raises serious questions as to whether Title I funds are being used to supplant National School Lunch, Child Nutrition Act, Title II ESEA and Vocational Education Act funds.

Title I funds are not for the benefit of non-poverty children, yet teaching personnel, equipment, supplies, and materials purchased with these monies are found in some of the most affluent schools where not a single educationally disadvantaged child is enrolled.

And Title I funds are not to equalize racially segregated schools. Yet many Southern school systems which have steadfastly refused to comply with the Constitutional mandate to desegregate use Title I funds to make black schools equal to their white counterparts. These funds are sometimes used to actually frustrate desegregation by providing black children benefits such as free food, medical care, shoes and clothes that are available to them only so long as they remain in an all-black school.

Community involvement in developing plans to utilize Title I funds to raise the level of educationally deprived children is non-existent in many school systems, although the Federal policies require community participation. Lack of community involvement is undoubtedly one of the reasons why so much misuse of these funds goes practically unnoticed by the public.

We believe that Title I can work if properly funded and administered. By pointing out some of the misuses of Title I funds, we hope this report will provoke private organizations, community people, and Federal, State and local officials to commit themselves to fulfilling a long-needed promise to our Nation's poor children.

FOOTNOTES

Introduction

1. See Appendix A, 121.
2. Taylor v. Coahoma Co. School District, Civ. No.______ (N.D. Miss., filed Feb. 21, 1969).
3. Migrant Education - Title I provided $45,556,074 for migrant education in fiscal 1969 which was allocated to States on the basis of the estimated number of migratory children residing full or part time in that State. The problem with this formula is that neither the States nor the Federal government have any reliable estimates of the number of migrant children. The current estimates are based on the Department of Labor's Farm Services Bureau count of migrant farm workers in each State. This count underestimates the actual number of migrant workers since not all workers are registered with the Farm Services Bureau. Nine States - Ariz., Calif., Fla., Mich., N.J., N.Y., Ore., Tex., and Wash. - receive the bulk of this money.

   Each State department of education must submit a State plan to O.E. which outlines where the migrant children are located, and how the money will be spent. There are no special Program Criteria for migrant education programs which set priorities or guide the States in spending the money. Migrant programs may be operated directly by the States, by local school systems, or private non-profit organizations.

   Indian Education - The Department of Interior received $9 million of Title I funds in 1969 fiscal year for educationally deprived Indian children attending schools operated by the Bureau of Indian Affairs. The $9 million is but a small portion of the total B.I.A. education budget of $62 million. The sum of $126 per student is distributed for approximately 55,799 Indian children in boarding and day schools. In fiscal year 1968, Title I funded 45 proposals for enrichment projects; 37 for teachers aides; 28 for guidance; 21 for remedial reading; 13 for recreation; and 11 for English as a Second Language programs. Indian children attending regular public schools may also receive Title I benefits, but there is no cooperation between O.E. and B.I.A. to determine how to use Title I to meet the needs of Indian children.

Chapter I

1. HEW, Statistical Report Fiscal Year 1967, 11, 27.
2. Hearings on Extension of ESEA before the House Committee on Education and Labor. (Part 4) 91st Congress, 1st Session. Prepared Statement by Hon. Robert H. Finch, Sec., HEW, 2912 (Mar. 10, 1969) [Hereinafter referred to as House Hearings]. Educationally disadvantaged children were defined in the study as all those children whom the teacher felt would not complete high school.
3. National Advisory Council on the Education of Disadvantaged Children, Title I - ESEA: A Review and a Forward Look, Fourth Annual Report - 1969, 13 (1969) [Hereinafter referred to as Title I Advisory Council 1969 Report].

Chapter II

1. See Appendix A, 121-122.
2. Interview with S.C. officials. Interview with O.E. staff.
3. HEW Audit Agency, *Georgia State Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, September 23, 1965 - June 30, 1967*, 6-8 [Hereinafter referred to as *Ga. Audit*].
4. Interviews in Bibb County, Ga.
5. Interviews in Oxford Mun. Sep. School District, Miss.
6. Interviews in Green County, Ala., Sumter County, Ala., New Albany, Miss., Quitman County, Miss., Pontotoc County, Miss.
7. HEW Audit Agency, *Report on Audit of Title I of the Elementary and Secondary Education Act of 1965, Wisconsin State Department of Public Instruction, Madison, Wisconsin, September 1, 1966 to August 31, 1967*, 16 (Nov. 22, 1968) [Hereinafter referred to as *Wis. Audit* 2].
8. HEW Audit Agency, *Audit of Title I Elementary and Secondary Education Act of 1965, Mississippi State Department of Education, Jackson, Mississippi, Sept. 30, 1965 - June 30, 1967*, 16 (Undated) [Hereinafter referred to as *Miss. Audit*].
9. Letter from Leslie Crumble, Jr., Asst. Supt. of Schools to Mr. Mont Davie, Regional Supervisor, Ill. State Department of Education, Feb. 20, 1969.
10. Waukegan City Schools, *Application for Federal Assistance (1967-68)*, Item 13 attachments (Aug. 1967).
11. HEW Audit Agency, *Report on Review of Programs and Projects under Title I of the Elementary and Secondary Education Act of 1965, District of Columbia, Fiscal*

Years 1966 and 1967, 30-31 (July 1969) [Hereinafter referred to as D.C. Audit].

12. Interviews in Benton County, Miss.; Benton County, Miss., Title I Project Application (1968-69) Attachments.
13. Division of Compensatory Education, Calif. State Deppartment of Education, Status Report on Oakland City Unified School District's ESEA, Title I Project (Draft), 9-22 (May 1969).
14. Ibid.
15. HEW Audit Agency, Title I ESEA State of Indiana, State Office of Public Instruction, Period Sept. 23, 1965 to Aug. 31, 1967, 15,16 (Undated) [Hereinafter referred to as Ind. Audit].
16. HEW Audit Agency, Tennessee State Department of Education Audit of Elementary and Secondary Education Act - Title I, Sept. 23, 1965 - Aug. 31, 1966, 4,5 (Apr. 1969) [Hereinafter referred to as Tenn. Audit].
17. Id. at 5.
18. HEW Audit Agency, Report of Audit, Title I of the Elementary and Secondary Education Act of 1965 Administered by the State of California for the Period Sept. 23, 1969 - Aug. 31, 1968, 7 (Dec. 23, 1968) [Hereinafter referred to as Calif. Audit].
19. HEW Audit Agency, State of Louisiana Elementary and Secondary Education Act Title I and Title II, Sept. 30, 1965 - Aug. 31, 1966, 10,11 (Oct. 27, 1979) [Hereinafter referred to as La. Audit].
20. D.C. Audit, 14.
21. Calif. Audit, 31-32.
22. Ibid.
23. See Appendix A, 122-123.

24. HEW Audit Agency, Title I of the Elementary and Secondary Education Act of 1965, The State of Illinois and the Chicago Board of Education, Period: Sept. 23, 1965 to Aug. 31, 1966, 32 (Undated) [Hereinafter referred to as Ill. Audit 1].
25. HEW Audit Agency, Report on Audit of the Elementary and Secondary Education Act Title I Administered by State of Pennsylvania, July 1, 1966 - August 31, 1967, 16,17 (Undated) [Hereinafter referred to as Pa. Audit].
26. Interviews in Oxford, Miss.
27. Title I Advisory Council 1969 Report, 14.
28. Mosbaek et. al. Analysis of Compensatory Education in Five School Districts Summary, 3 (Undated).
29. See Appendix A, 126-127.
30. Supplemental Policies for ESEA Title I Projects Adopted by the Calif. State Board of Education Feb. 14, 1969 in House Hearings, 2523.
31. Id. at 2525.
32. U.S. Commission on Civil Rights, Southern School Desegregation 1966-67, 82 (July, 1967).
33. Interviews in Bibb, Telfair and Worth Counties, Ga. and in Greene County, Ala.
34. Supra note 13, at 25.
35. Ind. Audit, 25.
36. HEW Audit Agency, South Carolina Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, July 1, 1965 - June 30, 1967, 6 (April 16, 1968) [Hereinafter referred to as S.C. Audit].
37. La. Audit, 3.

38. HEW Audit Agency, Report on Audit of Elementary and Secondary Education Act, Title I, State of New Jersey, Sept. 23, 1965 - Aug. 31, 1967, 11-12 (Undated) [Hereinafter referred to as N.J. Audit].
39. Calif. Audit.
40. Ill. Audit 2.
41. HEW Audit Agency, Alabama State Department of Education Audit of Title I of the Elementary and Secondary Education Act of 1965, Sept. 27, 1965 - June 30, 1968, 4 (Undated) [Hereinafter referred to as Ala. Audit].

Chapter III

1. See Appendix A, 123-124.
2. S.C. State Dept. of Ed., Helping the Deprived Child Climb, 8 (Undated).
3. Information taken from the desegregation plan prepared for Sumter Co. by the Division of Equal Educational Opportunity (D.E.E.O.) Office of Education pursuant to Whittenburg v. Greenville Co. C/A 4396 (1969), 2-8; and, Sumter County's Application for Federal Assistance for the Education of Children from Low-Income Families, (May 6, 1969).
4. Id. for Hampton County, 1-4; and Id., (May 22, 1967).
5. Id. for Bamberg County #2, 3-5; and Id., (Mar. 31, 1966).
6. Interview with S.C. official.
7. Miss. School Statistics prepared by O.E.
8. Hopson v. Quitman County Bd. of Ed., Testimony of Superintendent Cecil Oliver Sharp, Dec. 18, 1968.
9. J. Alan Thomas, School Finance and Educational Opportunity in Michigan, 19-27 (1968).
10. Pa. Audit, 39.

11. Ill. Audit, 28-30. Chicago Daily News, June 30, 1969. The story cited a report on Chicago's Title I program by a State official. The facts contained in the news story were subsequently verified in an interview with the State official.
12. Wisc. Audit 1, 38.
13. Supra note 10.
14. HEW Audit Agency, Title I of the Elementary and Secondary Education Act of 1965 State of Michigan and the Detroit Board of Education Fiscal Year 1966 Program, Period: Sept. 23, 1965 to Mar. 31, 1967, 38-39 (Undated) [Hereinafter referred to as Mich. Audit].
15. HEW Audit Agency, Title I of the Elementary and Secondary Education Act of 1965, State of Ohio: Period Sept. 23, 1965 to Aug. 31, 1968, 54 (June 13, 1969) [Hereinafter referred to as Ohio Audit].
16. Id. at 50,52.
17. HEW Audit Agency, Report on Audit of Title I of the Elementary and Secondary Education Act of 1965 Administered by Office of the Superintendent of Public Instruction, State of Illinois, Springfield, Illinois, Period: Project Grants 9-23-65 to 8-31-67, Administrative Expenses 9-23-65 to 6-30-68, 41-42 (June 13, 1969) [Hereinafter referred to as Ill. Audit 2].
18. Calif. Audit, 37.
19. Mich. Audit, 17-18.
20. The sponsor of the special appropriations was Congressman Carl Perkins of Kentuchy.
21. Fiscal year 1969 data on Title I expenditures is not yet available from the Office of Education.

Chapter IV

1. See Appendix A, 124-126.
2. O.E. Program Guide No. 47B, Nov. 20, 1968.
3. Title I Advisory Council 1969 Report, A-3.
4. Statistics supplied by O.E.
5. Ibid.
6. Mich. Audit, 13.
7. Supra Chapter 2, note 32.
8. Interview with HEW Personnel, Aug. 25, 1969.
9. Tenn. Audit, 10,11.
10. Ill. Audit 2, 30-32.
11. Id. at 64.
12. La. Audit, 9.
13. Wisc. Audit 2, 17.
14. Ala. Audit, 6.
15. Interviews in Oxford Mun. Sep. School District.
16. Tenn. Audit, 7-9.
17. Id. at 19-20.
18. Interview in South Panola, Miss.
19. Report of the National Advisory Council on the Education of Disadvantaged Children, 30, (Nov. 25, 1966).
20. Interviews in Worth County, Ga.
21. Interviews in New Albany, Miss.

Chapter V

1. See Appendix A, 130-131.
2. D.C. Audit, 19-22.
3. Id. 24-26.
4. Buena Vista #9 School District, Attachments to Application for Federal Assistance 1968-69.
5. School District of the City of Benton Harbor, Application for Federal Assistance 1966-67.
6. Bakersfield City School District, Application for Federal Assistance to Meet the Special Educational Needs of Educationally Deprived Children 1968-69.
7. Office for Civil Rights, Department of Health, Education, and Welfare, Summary of Title VI Findings Bakersfield City Elementary School District, 1,5 (Undated).
8. Oakland Unified School District, Application for Federal Assistance Appendix K & L, 185-186; Letter from Electra Price, American Friends Service Committee to Jean Fairfax, NAACP Legal Defense and Educational Fund, Inc., March 1, 1968.
9. Benton County, Mississippi Amendment Request ESEA Title I Attachments (May 13, 1969).
10. HEW Audit Agency, Report on Review of Grants Awarded to the Commonwealth of Massachusetts Under Title I Elementary and Secondary Education Act of 1965, 16 (January 1969) [Hereinafter referred to as Mass. Audit]

11. *Id*. at 18-20.
12. *Tenn. Audit*, 9-10.
13. *La. Audit*, 18.
14. Letter from Gil De La Rosa to Phyllis McClure, July 31, 1969. Mexican-American leaders have told us that the use of welfare statistics upon which allocations to districts are made is responsible for declining funds in predominantly Mexican-American school districts. They feel that Mexican-Americans are not on the welfare rolls in proportion to their numbers in the population because they tend to work in the fields rather than apply for welfare.
15. Interviews in Darlington County, S.C..
16. Interviews in Worth County, Ga.
17. *Ohio Audit*, 54-56.

Chapter VI

1. See Appendix A, 129-130.
2. National Advisory Council on the Education of Disadvantaged Childre, *Report of the National Advisory Council on the Education of Disadvantaged Children*, 22 (Jan. 31, 1968).
3. Memorandum from Dorchester County (S.C.) Voters League to the Superintendents of Dorchester County school districts #1, #2, #3, (Aug. 24, 1969).
4. Interview in Alburquerque, N.M.
5. Interview in Aberdeen, Miss.
6. Interviews in Oxford, Miss.
7. Interviews in Tucson, Ariz.
8. *Ohio Audit*, 15.
9. Interviews in Phoenix-South Holland, Ill.
10. Interviews in Sumter County, Ala.
11. Information supplied by Rims Barber, Delta Ministry.
12. David Rogers, *110 Livingston Street*, 453. (1968).
13. *Id*. 460.
14. Interviews in Anderson #5, S.C.; Autauga and Green Counties; Ala; Telfair County, Ga.
15. Interviews in Waukegan, Ill.
16. Interviews in Tucson, Ariz.
17. Interviews in Oxford, Miss.
18. Interviews in Bakersfield, Calif.
19. Interviews in Albuquerque, N.M.

Chapter VII

1. Council of Chief State School Officers, *State and Local Responsibilities for Education*: *A Position Statement*, (1968).
2. *Ibid*.
3. HEW Audit Agency, *Report on Audit of Selected Programs Administered by the New York State Education Department, July 1, 1964 - June 30, 1966*, 17 (Undated) [Hereinafter referred to as *N.Y. Audit*].
4. HEW Audit Agency, *Elementary and Secondary Education Act of 1965 Titles I, II, and V Administered by State of Kansas, September 23, 1965 to June 30, 1966*, 7 (Jan. 12, 1968).
5. *Ill. Audit 2*, 33.
6. *Supra note* 1.
7. HEW Audit Agency, *Report on Problem Areas noted During Audits of State and Local Educational Agencies Title I Elementary and Secondary Education Act of 1965*, Mar. 21, 1969.
8. *Ind. Audit*, 8.
9. *Ill. Audit* 1, 32.
10. Letter to Mr. Jack Conort, Branch Manager, HEW Division of Audit from Mr. Jack Nix, State Superintendent of Schools, Ga., May 1, 1968.
11. Interview with S.C. officials.
12. Interview with Ill. officials.
13. *Supra note* 7 at 11.
14. *Id*. at 3,15.
15. *N.Y. Audit*, 6, 13.
16. Interview with Mich. officials.

17. Letter, Mar. 21, 1969, transmitting report, Supra note 7.
18. Ibid.
19. Ill. Audit 2, 89.
20. HEW Audit Agency, Report on Audit of Title I of the Elementary and Secondary Education Act of 1965, Administered by State of Colorado, for the Period July 1, 1966 to August 31, 1967, 4 (June 24, 1969).
21. Calif. Audit, 6.
22. Id. at 72.
23. Interviews with O.E. personnel, (Oct. 20, 1969).
24. William H. Moore, Associate Commissioner for Federal Programs (Ark. to All Title I Claimants, Field Operations Memo No. 69-37. Misuse of Title I Funds, (Aug. 28, 1968).
25. Letter from Commissioner James E. Allen to Mississippi State Superintendent Garvin Johnston, July 9, 1969.
26. Ibid.
27. Jackson Daily News, July 30, 1969.

APPENDIX A

Appendix A contains excerpts from the law, the Federal Regulations and the Criteria governing Title I of the Elementary and Secondary Education Act of 1965 (P.L. 89 10). The excerpts are organized by topic. Copies of the Regulations and Program Guides may be obtained by writing to the Division of Compensatory Education, Bureau of Elementary and Secondary Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202, or to your State Department of Education.

National Policy

> "In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expend and improve their educational programs by various means (including pre-school programs) which contribute particularly to meeting special educational needs of educationally deprived children."
> (The Elementary and Secondary Education Act of 1965 P.L. 89-10)

Definition of the Term "Educationally Deprived Children"

> " 'Educationally deprived children' means those children who have need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age. The term includes children who are handicapped or whose needs for such special educational

> assistance result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large." (45 C.F.R. § 116.1(i))

Title I Must Not Be Used As General Aid

> "Each such project must be tailored to contribute particularly toward meeting one or more of the special educational needs of educationally deprived children and should not be designed merely to meet the needs of schools or of the student body at large in a school or in a specified grade in a school." (45 C.F.R § 116. 17(g))

> "Title I resources should be concentrated on those children who are most in need of special assistance. Normally this process will involve determinations of both the needs of individual groups of children and of the possibilities for success in working with those groups. Decisions should be made in terms of the effectiveness of providing comprehensive services to a limited number of children in a few groups as opposed to the ineffectiveness of spreading diluted services over all eligible children in all groups. Consideration must also be given to the availability of assistance from other agencies and programs for specific groups of children." (Program Guide #44, Sec. 4.2)

Nature and Size of Target Area and Population to be Served

> "... A project area may include one or more attendance areas having high concentrations of children from low-income families, but the project area must be sufficiently restricted in size in relation to the nature of the project as to avoid jeopardizing its effectiveness

> in meeting the aims and objectives of the project...." (45 C.F.R. § 116.17(c))

> "A school attendance area for either an ... elementary or a... secondary school may be designated as a project area if the estimated percentage of children from low-income families residing in that attendance area is as high as the percentage of such children residing in the whole of the school district... In certain cases, the whole of a school district may be regarded as an area having a high concentration of such children and be approved as a project area, but only if there are no wide variances in the concentrations of such children among the several school attendance areas in the school district." (45 C.F.R. § 116.17(d))

> "...The purpose of the attendance area requirement is to identify the 'target populations' of children who are to be considered for participation in Title I activities on the basis of educational deficiency and need for special services...." (Program Guide #44, Sec. 1.1)

Supplanting State and Local Funds

> "Each application... shall contain an assurance that the use of the grant funds will not result in a decrease in the use for educationally deprived children residing in that project area of State or local funds which in the absence of funds under Title I of the Act, would be made available for that project area and that neither the project area nor the educationally deprived children residing therein will otherwise be penalized in the application of State and local funds because of such a use of funds

> under Title I.... No project under Title I of the Act will be deemed to have been designed to meet the special educational needs of educationally deprived children unless the funds made available for that project are to be used to supplement, and not supplant, State or local funds." (45 C.F.R. § 116.17(h))

> "... It is expected that services provided within the district with State and local funds will be made available to all attendance areas to all children without discrimination. The instructional and ancillary services provided with State and local funds for children in the project areas should be comparable to those provided for children in the non-project areas, particularly with respect to class size, special services, and the number and variety of personnel... This means that services that are already available or will be made available for children in the non-project areas should be provided on an equal basis in the project areas with State and local funds rather than with Title I funds... [A]s services initiated in the project areas under Title I are extended to children residing in non-project areas, the applicant will assume full support of those services under its regular school budget. This will release Title I funds to provide new activities for eligible children." (Program Guide #44, Sec. 7.1)

Construction and Equipment

> "No application for a project grant under Title I... may cover the construction of school facilities unless such construction is demonstrated as being essential in order to assure the success of a program or project under Title I... If the construction of school facilities is so demonstrated as

being essential for a program or project, the application must nevertheless comply with other requirements of Title I...." (45 C.F.R. § 116.17(i))

"... Rental or construction of school facilities [including portable units] not specifically related to a Title I project activity should not be allowed except in unusual situations where (a) such construction is necessary in order to bring children together at locations where they can be served effectively under Title I and (b) the local educational agency is unable to provide such facilities with its own funds. The construction of permanent new facilities should be regarded as a local responsibility except in extreme cases of financial need." (Program Guild #44 Sec. 5.7)

"The State educational agency shall not approve a project involving the construction of school facilities unless it determins that the construction is consistent with overall State plans for construction. It shall not approve such a project involving construction, other than minor remodeling, altering or improving of school facilities, unless the approval is conditioned upon approval of the construction plans and specifications by State educational agency, and further conditioned upon the award of a construction contract on or before a date specified in the project application." (45 C.F.R. § 116.21(c))

"The State educational agency shall not approve a project involving construction of school facilities if it finds that such construction would lead to, or would tend to maintain, the cultural or linguistic isolation of children...." (45 C.F.R. § 116.21(f))

> "Title I funds will be used for construction only when necessary to implement projects designed to meet the highest priority needs of educationally deprived children in the applicant's district...." (Program Guide #44, Sec. 5.7)

> "... All requests for the approval of funds for the purchase of... equipment must be fully justified. This means that the application must show that (a) equipment has been selected and designated for specific purposes in connection with proposed project activities, (b) the proposed equipment is essential to the effective implementation of the project, (c) such equipment is not available in the applicant's regular or Title I inventories for use in the project, and (d) the applicant has the trained staff to utilize the proposed new equipment effectively or that arrangements will be made to prepare staff for such use. The State educational agency will review existing Title I inventories and insure that equipment already purchased with Title I funds is being effectively used for Title I purposes. Equipment that is no longer appropriate for use in Title I projects should be sold or transferred to the applicant's regular inventory and the appropriate amounts refunded to the Federal Government." (Program Guide #44, Sec. 5.6)

> "... The budget for a project shall avoid imprudent, extravagant or wasteful expenditures which would tend to defeat the intent of the Act to meet the special educational needs of educationally deprived children...." (45 C.F.R. § 116.18(a))

Concentration of Services

> "... Title I resources should be concentrated on those children who are most in

need of special assistance...." (Program Guide #44, Sec. 4.2)

"Applications for grants... are to be concentrated on a limited number of projects and applied to a limited number of educationally deprived children so as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior or attitudes of children." (45 C.F.R. § 116.18(e))

"The applicant should make sure that the needs of children in eligible areas with the highest incidence of poverty have been met before considering the needs of children in eligible areas in which the incidence is much lower. The program in the areas with the higest incidence should be designed to serve a larger proportion of children and to provide them with a greater variety of services than programs in areas with lesser incidences of poverty." (Program Guide #44, Sec. 4.6)

"... The proposed Title I expenditure per child is an indication of the concentration of effort. The greater the concentration of effort, as indicated by investment per child, the greater likelihood that the program will have a significant impact on the children in the program. The investment per child on an annual basis for a program of compensatory educational services which supplement the child's regular school activities should be expected to equal about one-half the expenditure per child from State and local funds for the applicant's regular school program. The investment per child per year for a program such a pre-school program which provides all of the services for the child involved should be expected to equal the applicant's full expenditure per pupil from State and local funds." (Program Guide #44, Sec. 4.7)

Title I and Desegregation

> "... All Title I program activities must be designed for educationally deprived children who live in eligible attendance areas but should be offered at locations where those children can best be served. Any proposed Title I activities [including the construction of school facilities] which, because of the location or for other reasons, would in effect prolong the racial, social, or linguistic isolation of the children to be served would be self-defeating and should not be approved. Applicants for Title I funds should design effective compensatory education programs which include, where appropriate, measures for fostering integration in the community.
>
> "In some cases, the locations where the children can best be served will be outside the project area. The application should indicate clearly the locations both inside and outside the project areas where Title I services will be offered and the number of children from inside and outside the project areas who will participate at each such location.
>
> "No child who lives in a project area and who would otherwise receive Title I services is to be denied such services because of his exercise of a right to enroll in another school. Children residing outside the project areas who can benefit from the services may participate on a space-available basis." (Program Guide #44, Sec. 5.5)

Title I Advisory Committees

> "Each local educational agency shall provide for the maximum practical involvement

of parents of educationally deprived children... including their representation on advisory committees which may be established for the local Title I program." (45 C.F.R. § 116.18(f))

"... [E]ach Title I applicant must have an appropriate organizational arrangement... [L]ocal advisory committees will need to be established for the planning, operation, and appraisal of a comprehensive educational program." (Program Guide #44)

"It is suggested that at least 50% of the membership of the committee consist of parents of disadvantaged children attending schools serving in the area where projects will be conducted, representatives of the poor from the Community Action Agency and parent members of the Head Start advisory committee, if there is a Head Start project in the community, and representatives of other neighborhood-based organizations which have a particular interest in the compensatory educational program." (Program Guide #46, Sec. IA)

Parent and Community Involvement

> "...It is essential that public and private school teachers and other staff members, parents, and representatives of related programs and agencies be involved in the early stages of program planning and in discussions concerning the needs of children in the various eligible attendance areas. They are often able to corroborate or offer insights concerning the evidence of educational deficiencies. They will be much more likely to lend support to a program of special educational services if, as a result of their involvement, they understand the premises on which such a program is based.
>
> "Officials of community action, welfare, juvenile protection, and other agencies

> which have responsibilities for helping people--children or adults--overcome the effects of poverty are among those to be consulted concerning their views on the needs of the children in eligible attendence areas...." (Program Guide #44, Sec. 2.1)

> "The applicant should demonstrate that adequate provision has been made in the Title I program for the participation of and special services for the parents of children involved in the programs. The employment of parents in the Title I projects is but one way to implement this provision. The primary goal of such activities and services should be to build the capabilities of the parents to work with the school in a way which supports their children's well-being, growth, and development." (Program Guide #44, Sec. 5.3)

Assessment of Needs of Educationally Deprived Children

> "The project... should be designed to meet the special educational needs of those educationally deprived children who have the greatest need for assistance...." (45 C.F.R. § 116.17(f)))

> "... Each local educational agency shall design its projects in such a manner, and apply them to such school attendance areas having high concentrations of children from low-income families, as will best meet the special educational needs of the educationally deprived children." (45 C.F.R. § 116.17(c))

> "The application shows that the Title I program is based on a consideration of the relative needs of children at all ages and grade levels and is designed to meet a limited number of high priority needs which cannot be met through the regular school program or other programs...." (Program Guide #44, Sec. 42)

> "... The first step in the development of a compensatory program to meet the needs of such children is to evaluate the evidence concerning the educational deficiencies of children who live in the eligible attendance areas... Specific attention should be given to the information available on educational retardation, results of educational tests, linguistic or racial isolation, welfare and nutrition, physical and mental handicaps, and other pertinent information on which the incidence and severity of the needs of children in the project areas can be established...." (Program Guide #44, Sec. 2.1)
>
> "... All proposals to provide health, nutrition, welfare, and recreation services under Title I should be fully justified on the basis that the resources of other agencies are not adequate to meet high priority needs for these services." (Program Guide #44, Sec. 3.1)

Public Information

> "The terms and provisions of each approved project shall be made available, by the State educational agency, and by the affected local educational agency or agencies, for public inspection." (45 C.F.R. § 116.34)
>
> "... The requirement that the'terms and provisions' of each project be made available covers such materials as the approved application, amendments thereto, and supporting documentation, including correspondence between the State and local educational agencies concerning the project. State and local educational agencies are required under the foregoing regulation to make the information available to any citizen upon request. He must be afforded reasonable opportunity not only to examine the materials but also to copy information, including

> total reproduction such as xeroxing, at his own expense." (Program Guide #54)

Complaints

> "... [State] reports shall include a disclosure of any allegations of substance which may be made by local educational agencies or private individuals or organizations of actions by State or local educational agencies contrary to the provisions of Title I of the Act or the regulatiors in this part, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency." (45 C.F.R. § 116.31(g))

State Agency Responsibilities

This is not an inclusive listing of all the legal requirements for a State Agency administering Title I.

> "The application for participation by the State in the grant program shall contain an assurance... that each application by a local educational agency... approved by the State educational agency will comply with the requirements of Title I... that the State educational agency will comply with the requirements of Title I of the Act... that the State educational agency will require each such local educational agency to carry out all assurances given by it in, and to perform all obligations imposed on it in connection with its approved applications for grants, and that the State educational agency will in all other respects comply

with the requirements imposed on it by Title I of the Act..." (45 C.F.R. § 116.31(c))

"... The State educational agency shall not approve such an application unless it determines that the application does effectively meet the requirements of the Act..." (45 C.F.R. § 116.34(a))

"Each application by a State educational agency shall contain an assurance that it will make periodic reports to the Commissioner evaluating the effectiveness of the programs and projects of State and local educational agencies..." (45 C.F.R. § 116.31(f))

"The State educational agency shall, for that agency and local educational agencies, provide for such fiscal control and fund accounting procedures as may be necessary for the proper disbursement of funds paid to the State and to local educational agencies under Title I of the Act..." (45 C.F.R. § 116.48(a))

APPENDIX B

School Systems in Which Interviews Were Conducted

Following is a list of school districts in which interviews were conducted for this study:

- Alabama
  - Autauga County
  - Greene County
  - Hale County
  - Sumter County
- Arizona
  - Tuscon
- California
  - Bakersfield
  - Fresno
  - Riverside
- Georgia
  - Bibbs County
  - Telfair County
  - Worth County
- Illinois
  - Waukegan District #61
  - Cook County District #151 (Phoenix-South Holland)
  - Springfield, Illinois
- Mississippi
  - Benton County
  - Oxford Municipal Separate School District
  - Pontotoc County
  - Quitman County
  - South Panola County
  - Union County
- North Carolina
  - Guilford County
- New Mexico
  - Alburquerque
- South Carolina
  - Anderson #5
  - Darlington County
  - Williamsburg County 134- 135
- Texas
  - Karnes City
  - San Antonio

APPENDIX C

Audit Reports, HEW Audit Agency

State	Period Covered
Alabama	September 27, 1965 - June 30, 1968
California	September 23, 1965 - August 31, 1968
Colorado	September 23, 1965 - August 31, 1966
Colorado	July 1, 1966 - August 31, 1967
District of Columbia	July 1, 1966 - June 30, 1967
Georgia	September 23, 1965 - June 30, 1967
Illinois	September 23, 1965 - August 31, 1966
Illinois	State Administration - 9/65 - 6/68 Project Grants - 9/65 - 8/67
Indiana	September 23, 1965 - August 31, 1967
Kansas	September 23, 1965 - June 30, 1966
Louisiana	September 30, 1965 - August 31, 1966
Massachusetts	July 1, 1966 - June 30, 1968
Michigan	September 23, 1965 - March 31, 1967
Mississippi	September 30, 1965 - June 30, 1967
New York	July 1, 1965 - August 31, 1966
Ohio	September 23, 1965 - August 31, 1968
Oklahoma	Period Ending June 30, 1966
Oklahoma	July 1, 1966 - June 30, 1968
Oregon	September 23, 1965 - August 31, 1967

State	Period Covered		
Pennsylvania	July 11, 1966	-	August 31, 1967
South Carolina	July 1, 1965	-	June 30, 1967
Tennessee	September 23, 1965	-	August 31, 1966
Texas	September 24, 1965	-	June 30, 1966
Utah	September 23, 1965	-	August 31, 1967
Wisconsin	September 23, 1965	-	August 31, 1966
Wisconsin	September 1, 1966	-	August 31, 1967

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UNITED STATES GENERAL ACCOUNTING OFFICE

REPORT TO THE CONGRESS

Opportunities For Improving Administration Of Federal Program Of Aid To Educationally Deprived Children In West Virginia

B-164031(1)

Office of Education
Department of Health, Education, and Welfare

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

MARCH 5,1970

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UNITED STATES GENERAL ACCOUNTING OFFICE

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-164031(1)

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on opportunities for improving the administration of the Federal program of aid to educationally deprived children in the State of West Virginia. This program is authorized by title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a). Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Bureau of the Budget; the Secretary, Department of Health, Education, and Welfare; and the Commissioner of Education.

Elmer B. Staats
Comptroller General
of the United States

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COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

OPPORTUNITIES FOR IMPROVING ADMINISTRATION
OF FEDERAL PROGRAM OF AID TO EDUCATIONALLY
DEPRIVED CHILDREN IN WEST VIRGINIA
Office of Education
Department of Health, Education, and
Welfare B-164031(1)

DIGEST

WHY THE REVIEW WAS MADE

The Elementary and Secondary Education Act of 1965 is the Federal Government's largest single effort to improve elementary and secondary education in the United States.

Title I of the act authorizes funds for programs designed to meet the needs of children deprived of normal educational development. The programs are directed to those children living in school attendance areas having high concentrations of children from low-income families. (A school attendance area is the geographical area in which the children who are normally served by a school reside.) Selection of areas is made by local educational agencies.

The title I program has been funded at about $1 billion annually since its start. The program requires a high degree of Federal-State-local coordination due to the different responsibilities at these levels of government.

Because of the magnitude of Federal funds involved in the program and the extent of coordination required, the General Accounting Office (GAO) reviewed the manner in which the Office of Education, Department of Health, Education, and Welfare (HEW), was administering its responsibilities under this Federal program in the State of West Virginia. This is GAO's first report on title I reviews undertaken in several States.

FINDINGS AND CONCLUSIONS

Program evaluation reports submitted to the Office of Education by the West Virginia Department of Education showed that, during each of the first 3 years of the program, over 100,000 children from the State's 55 school districts had participated. According to these reports, the children received various educational benefits and there was a marked improvement in their school attendance. GAO did not make an overall evaluation of the administration and effectiveness of the title I program in West Virginia. Certain aspects, however, of the program administration can be strengthened. (See p. 8.)

School attendance areas were not selected for participation in the program in accordance with Office of Education's criteria. As a result,

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areas not having high concentrations of low-income children participated in the program. (See p. 9.) Also, selection of participating areas in two local agencies was questionable because of discrepancies in the data used in making the selections. (See p. 14.)

The Office of Education issued revised criteria for the selection of areas which, if adhered to, should result in a greater degree of program assistance to those areas having high concentrations of children from low-income families. GAO believes, however, that the Office of Education, in its field visits to State and local educational agencies, should assure itself that the criteria are being adhered to. (See p. 17.)

Salaries of about $300,000 (estimated) at three local educational agencies were charged to the title I program, but the persons' duties were not limited to that program. In accordance with Office of Education's guidelines, these salaries should have been prorated between the regular school programs and the title I program. (See p. 18.)

One local educational agency used program funds of $11,400 to finance part of the cost of constructing a cafeteria to serve general educational purposes for all children of a particular school. GAO believes that such use of program funds was of questionable propriety. (See p. 22.)

Several cases were found where title I equipment costing about $30,000 was used in the regular school program. Also, one local agency purchased equipment at a cost of about $40,000 with program funds without identifying a need for it. For example:

- --60 teacher chairs, 33 teacher desks, 610 student desks, and 110 folding-arm chairs purchased with title I funds were distributed to a new high school that had only three title I classes with an estimated need of about 60 desks.
- --an adding machine, a typewriter, and a copy machine were purchased for each eligible school at one agency without determining that an actual need existed for such equipment.

GAO believes that the Office of Education should emphasize to the State educational agency the importance of limiting expenditures to program needs. (See p. 24.)

At one local agency the insurance proceeds to cover a fire loss on equipment purchased with program funds were not credited to the Federal Government. GAO believes that the Office of Education should provide guidance on the treatment of insurance proceeds covering losses of equipment acquired with program funds. (See p. 27.)

The West Virginia State Tax Commissioner made audits of the program at the local level. These audits, however, were not of the scope necessary to comply with the Office of Education's requirements. GAO believes that the Office of Education and the HEW Audit Agency should work with State officials to help ensure that audits of local educational agencies comply with the Federal requirements. (See p. 30.)

RECOMMENDATIONS OR SUGGESTIONS

The Secretary, HEW, should:

- --take measures to satisfy himself that the designations of school attendance areas to participate in the title I program are being made in accordance with the current criteria. (See p. 17.)
- --provide for clarification of the criteria for proration of salaries and should determine the extent to which salaries of supervisory personnel charged to the title I program by local educational agencies in West Virginia were applicable to the program. (See p. 21.)
- --provide for the Office of Education and the HEW Audit Agency to meet with West Virginia State officials in an effort to resolve the problems hindering an adequate audit coverage of the title I program activities in that State. (See p. 34.)

GAO made several additional recommendations designed to correct deficiencies identified in its review. (See pp. 23 and 28.)

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Assistant Secretary (Comptroller) of HEW said that the Office of Education agreed with GAO's recommendations. He said also that the West Virginia Department of Education had issued directives to its local educational agencies designed to correct a number of matters discussed in this report. The Office of Education plans a detailed study of the effectiveness of the State's directives. (See p. 35.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report is being issued because of expressed interest by committees and members of the Congress in the title I program.

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ABBREVIATIONS

CEP	Comprehensive Educational Program
HEW	Department of Health, Education, and Welfare
GAO	General Accounting Office
LEA	Local educational agency
OE	Office of Education
SEA	State educational agency

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OPPORTUNITIES FOR IMPROVING ADMINISTRATION OF FEDERAL PROGRAM OF AID TO EDUCATIONALLY DEPRIVED CHILDREN IN WEST VIRGINIA

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FINDINGS AND CONCLUSIONS

Program evaluation reports submitted to the Office of Education by the West Virginia Department of Education showed that, during each of the first 3 years of the program, over 100,000 children from the State's 55 school districts had participated. According to these reports, the children received various educational benefits and there was a marked improvement in their school attendance. GAO did not make an overall evaluation of the administration and effectiveness of the title I program in West Virginia. Certain aspects, however, of the program administration can be strengthened. (See p. 8.)

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areas not having high concentrations of low-income children participated in the program. (See p. 9.) Also, selection of participating areas in two local agencies was questionable because of discrepancies in the data used in making the selections. (See p. 14.)

The Office of Education issued revised criteria for the selection of areas which, if adhered to, should result in a greater degree of program assistance to those areas having high concentrations of children from low-income families. GAO believes, however, that the Office of Education, in its field visits to State and local educational agencies, should assure itself that the criteria are being adhered to. (See p. 17.)

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MATTERS FOR CONSIDERATION BY THE CONGRESS

This report is being issued because of expressed interest by committees and members of the Congress in the title I program.

CHAPTER 1

INTRODUCTION

The General Accounting Office has made a review in the State of West Virginia of the manner in which the Office of Education (OE), Department of Health, Education, and Welfare, was administering its responsibilities under the Federal program of assistance to educationally deprived children. This program is authorized by title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a).

The Elementary and Secondary Education Act of 1965, enacted in April 1965, represents the largest single commitment by the Federal Government to strengthen and improve educational quality and opportunities in elementary and secondary schools across the Nation. Title I authorizes Federal financial assistance for educational programs designed to meet the special educational needs of educationally deprived children living in areas having high concentrations of children from low-income families. This program has been funded at about $1 billion annually for fiscal years 1966 through 1969.

Our review, which was concerned with selected aspects of the title I program, was performed at the West Virginia State educational agency (SEA) and at three local educational agencies (LEAs). We did not make an overall evaluation of the administration and effectiveness of the title I program in this State. This is our first report on title I reviews undertaken in several States. The scope of our review is described on page 36.

An LEA is an agency which has administrative control and direction of free public education up to and including, but not beyond, grade 12 in a county, township, independent, or other school district. There are 55 school districts in the State of West Virginia which correspond to the 55 counties of the State. We selected the LEAs in Logan, Raleigh and Fayette Counties for review. These LEAs were allocated a greater amount of program funds than most other LEAs in the State.

RESPONSIBILITY FOR PROGRAM ADMINISTRATION

OE is responsible for the overall administration of the program at the national level; SEAs are responsible for administration of the program at the State level. LEAs are responsible for developing and implementing the special educational programs to be operated within their jurisdictions. Thus the effective implementation of the title I program requires a high degree of Federal-State-local coordination.

As part of its responsibilities in administering the program, OE develops regulations and guidelines relating to the administration of the program and determines the maximum amounts to be allocated to eligible LEAs pursuant to a formula prescribed in the act.

Any State desiring to participate in the program is required by the enabling legislation to submit, through its SEA, an application to OE for review and approval. In this application the SEA is required to include assurances that it will administer the program and submit reports in accordance with the provisions of the law and the OE regulations.

In the administration of the program, the SEA's major responsibilities are (1) to approve project applications submitted by LEAs upon a determination that the proposed projects are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families, (2) to ensure that title I funds are utilized only for projects which have been approved by the SEA, and (3) to adopt fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds received from OE and, in turn, paid to the LEAs to finance the approved projects.

Payments to an SEA to defray its costs of administering the program and providing technical assistance to the LEAs are authorized by the legislation; these payments may not exceed 1 percent of the total maximum grants for LEAs of the State as determined for that year or $150,000, whichever is greater.

The LEA is responsible for developing and implementing projects under the title I program. This responsibility includes determining school attendance areas eligible for participation, identifying the educationally deprived children in these areas, determining the special needs of such children, submitting applications to the SEA for grants, and carrying out the projects in accordance with the approved application and applicable rules and regulations.

FUNDING

In each of the first 4 years of the title I program--fiscal years 1966 through 1969--amounts authorized and appropriated by the Congress were as follows:

Fiscal year	Authorization	Appropriation
1966	$1,192,981,206	$ 959,000,000
1967	1,430,763,947	1,053,410,000
1968	1,902,136,223	1,191,000,000
1969	2,184,436,274	1,123,127,000

PROGRAM PARTICIPATION

OE nationwide statistics show that, in fiscal year 1966, a total of 8,299,900 children in 17,481 school districts participated in the title I program and that, in fiscal year 1967, a total of 9,046,200 children in 16,404 school districts participated. For fiscal year 1968, OE statistics show that 7,946,413 children participated during the regular school year and 2,571,294 participated during the summer. These children were from 15,910 school districts. The figures relating to the number of participating children in fiscal year 1968 cannot be combined and cannot be compared with those of prior years because some children participated in both the regular school year program and the summer program and were included in the statistics for each; whereas, for the prior years statistics, each participating child was counted once regardless of whether the child participated in both the regular school year and the summer.

Statistics obtained from OE for West Virginia showed that 105,317, 106,974, and 103,604 children had participated in the title I program in fiscal years 1966, 1967, and 1968, respectively. According to reports submitted to the SEA by the three LEAs included in our review, 15,157, 19,859, and 13,839 children participated in the program in fiscal years 1966, 1967, and 1968, respectively. Each of West Virginia's 55 school districts participated in the program in each of the 3 years.

The principal officials of HEW having responsibility for the matters discussed in this report are listed in appendix II.

CHAPTER 2

PROGRAM ADMINISTRATION

Program evaluation reports submitted to OE by the West Virginia SEA showed that over 100,000 children had participated in the title I program during each of the first 3 years of the program's existence in that State. These reports indicated that, during the 3-year period, title I assistance was made available to program participants in all 55 school districts in the State and provided various benefits, such as those listed below:

1. Students were provided time to work out individual problems at their own speed.
2. Students were able to develop in all areas of education as a result of projects which concentrated on weak reading characteristics.
3. Students were provided greater opportunity for self-expression.
4. Students were placed in classes where they received the individual aid they needed rather than being placed in overcrowded classrooms.
5. One of the overall significant comments was that there was a marked improvement in school attendance of pupils involved in the program.

We did not make an overall evaluation of the administration and effectiveness of the title I program in West Virginia to enable us to confirm these conclusions. We did note, however, a number of areas of administration in which there were opportunities for strengthening management controls. Our findings and recommendations pertaining to these matters are discussed in the following chapters of this report.

CHAPTER 3

SELECTION OF PARTICIPATING SCHOOL ATTENDANCE AREAS

Our review revealed that, as a result of instructions furnished by the SEA to the LEAs in West Virginia, a large number of school attendance areas participated in the early years of the title I program without having met the OE criteria established for program participation. A school attendance area is the geographical area in which the children who are normally served by a school reside. As a result, school attendance areas not having high concentrations of low-income children participated in the title I program. In addition, we questioned the basis of selection of school attendance areas for program participation by two LEAs because of discrepancies in the data used in making selections.

One of the primary determinations to be made by LEAs in implementing the title I program is the selection of the school attendance areas in which program funds will be expended. The title I program is intended to assist LEAs in providing assistance to educationally deprived children from school attendance areas having high concentrations of children from low-income families. In accordance with basic criteria established by OE, each LEA is required to select those school attendance areas within its jurisdiction to participate in the title I program.

IMPORTANCE OF DETERMINATION OF PARTICIPATING SCHOOL ATTENDANCE AREAS

The enabling legislation provides that funds granted under title I be used for projects which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families on the basis that educational deprivation usually exists in such areas.

The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor, in their respective reports on the legislation which was enacted as the Elementary and Secondary Education Act of 1965, stated that it had been apparent for sometime that there was a close relationship between conditions of poverty and lack of educational development and poor academic performance. It was further stated in the Committees' reports that testimony received during deliberations on the legislation illustrated that the conditions of poverty or economic deprivation produce an environment which, in too many cases, precludes children from taking full advantage of the educational facilities provided.

It was the Committees' belief that these children have been conditioned by their environment so that they are not adaptable to ordinary educational programs. It was stated also that environmental conditions and inadequate educational programs, rather than lack of basic mental aptitude, carry the major responsibility for the later failure of these children to perform adequately in the school system.

Regulations implementing the legislation were issued by OE on September 15, 1965, which, basically, define an area of high concentration of children from low-income families as a school attendance area where the concentration of children from low-income families is as high as or higher than the average concentration of such children for the school district as a whole. Such areas of high concentration are considered as being the program's "project area."

Since the beneficiaries of the title I program are to be the educationally deprived children who reside in areas having high concentrations of children from low-income families, it is evident that the determination of the school attendance areas to participate in each LEA is one of the more important aspects of the program in order that the limited program funds available are utilized for assisting the children intended to be served by the title I program.

PROGRAM REQUIREMENTS

In keeping with the concept that a correlation exists between the educationally deprived and economically disadvantaged, OE guidelines issued in December 1965, which supplement the title I regulations, pointed out that a school attendance area would be eligible to participate in the program if it had a concentration of children from low-income families which was equal to or greater than the average concentration of such children for the LEA as a whole.

The guidelines point out that a school attendance area is eligible if either the percentage of children from low-income families is equal to such percentage for the entire LEA, or if the number of children from low-income families in the school attendance area is equal to the numerical average of all such children in the LEA.

The guidelines issued by OE placed responsibility with the LEA for obtaining data relative to the identification of low-income families in school attendance areas within the LEA's jurisdiction. The guidelines did not specify the source data to be used in identifying children from low-income families in each school attendance area or in the LEA as a whole but, rather, provided considerable latitude to the LEA in this respect. Among the source data considered acceptable by OE were payments of aid to families with dependent children under title IV of the Social Security Act, and other welfare data; health statistics; and data from school surveys containing information on or related to family income.

In addition to the above-mentioned general guidelines issued by OE relating to these matters, specific instructions were issued in regard to the preparation of the LEA's project application. The application instructions, dated September 1965, initially issued for use in the first year of the title I program (fiscal year 1966) required that LEAs include in their project application (1) a ranking of the school attendance areas having high concentrations of children from low-income families beginning with the area having the highest concentration, (2) information substantiating the order in which the areas were listed, and (3) the source of such information.

Subsequent instructions issued by OE specifically outlined the manner in which the statistics relative to the percentage of children from low-income families and the number of such children for each school attendance area were to be compared with either the percentage or numerical average for the LEA as a whole and provided a theoretical example as shown below.

1. Total number of children	8,298
2. Total number of children from low-income families	996
3. Total number of school attendance areas	14
4. Average percentage concentration (2÷1)	12%
5. Average numerical concentration (2÷3)	71

The instructions directed the LEAs to provide the names of the school attendance areas having concentrations of children from low-income families at least as high as the average concentration of such children for the district as a whole as determined on either a percentage or numerical basis as shown in items 4 and 5 above.

For fiscal year 1969 the criteria applicable to the methods used to qualify areas were revised to place a ceiling on the total number of school attendance areas to be accepted for participation in each LEA under the title I program, and this ceiling was to be determined on the basis of the highest number of areas that would qualify under one but not both of the prescribed bases--percentage concentration or numerical average.

INAPPROPRIATE BASES USED IN SELECTING SCHOOL ATTENDANCE AREAS

In our review we questioned the appropriateness of the bases used by LEAs in selecting school attendance areas (148 in 1966, 135 in 1967, and 120 in 1968) for participation in the title I program. Our questions stemmed from (1) the type of instructions issued by the SEA to the LEAs and (2) discrepancies in the data used by two LEAs. These matters are discussed more fully below.

SEA instructions to LEAs

Our review of project applications and certain data at the West Virginia SEA showed that, for the first year of the title I program operation, the SEA had instructed the LEAs to obtain current data for identifying the number of children from low-income families in each school attendance area within the LEAs. The LEAs, however, were not required to compute LEA-wide averages based on the then-current data for use in making the required comparisons with the data applicable to specific school attendance areas before selecting such areas for participation in the program. Instead the SEA provided the LEAs with LEA-wide averages which were computed on the basis of the number of children from low-income families as shown in the 1960 census and instructed them to use the data for comparison with the then-current data for individual school attendance areas.

As a result of the method followed by the LEAs in selecting school attendance areas for participation in the program in fiscal year 1966, we noted that the SEA records showed that, of the 1,399 school attendance areas in the State, 148 would not have met the criteria established for participation in the program had the LEAs made their comparison using current data for both school attendance areas and the LEAs as a whole. In addition, we found that, of these 148 school attendance areas, 135 had been selected to participate in fiscal year 1967 and 120 had been selected to participate in fiscal year 1968. The difference in the number of such schools for each year can be attributed, generally, to the consolidation of school attendance areas within the State.

The SEA furnished us with a listing which showed that, of the 148 school attendance areas selected, 132 had actually participated in the first year of the title I program. It was not practical to ascertain the extent to which the 132 school attendance areas actually participated in the program during that year since these areas were located in 34 of the 55 LEAs throughout the State and the pertinent data was not available at the SEA. However, two of the LEAs included in our detailed review, within which 19 of the 132 above-mentioned school attendance areas were located, had expended in excess of $265,000 of title I funds in these 19 school attendance areas during fiscal years 1966 through 1968.

We discussed the method followed by the LEAs in selecting school attendance areas for participation in the title I program with SEA officials. These officials informed us that, in their opinion, OE had approved the use of 1960 census data in determining eligible attendance areas when it approved a schedule prepared by the SEA setting forth, in addition to the fiscal year 1966 allocation of funds for the LEAs, 1960 census data pertaining to the total number of children in the LEA, the number of children from low-income families, the percentage of low-income children to the total number of children, and the average number of low-income children for school attendance areas in each LEA.

OE officials informed us that they had not approved the practice of comparing current data relative to school attendance areas with 1960 census data relative to the LEA as a whole. These officials stated that the same year's source data used for individual school attendance areas should have been used for computing LEA-wide percentages and numerical averages. They informed us that it was permissible to use 1960 census data to determine LEA-wide statistics relative to concentrations of children from low-income families but that, in such cases, the 1960 census data should also have been used in determining the number of low-income children in each school attendance area within the LEA. However, the officials stated that, where current data relative to individual school attendance areas was available, such data should have been used to compute LEA-wide percentages and numerical averages.

The SEA title I Administrator informed us that, with the approval of OE, he had not required LEAs to drop school attendance areas from the fiscal year 1967 and 1968 programs if they had been designated as eligible and participated in the program in the previous year.

It was OE's position that a properly qualified school attendance area in which project activities were conducted but which did not qualify in a subsequent year should be phased out of the program rather than being immediately dropped from the program. It was OE's view, however, that it was not permissible for such school attendance areas to continue in the program indefinitely. OE officials stated that the same procedure would apply with respect to school attendance areas which had been selected for participation on an inappropriate basis and participated in the program.

Discrepancies in data used by LEAs

During our review at two LEAs, we noted that, for fiscal years 1967 and 1968, the LEAs' applications contained data--with respect to numbers of children in school attendance areas--which was not in agreement with supporting data maintained at the LEAs as illustrated in the following two examples.

1. One of the LEAs submitted its fiscal year 1967 application to the SEA for approval in August 1966. This application showed that the then-current percentage of low-income children for the LEA as a whole was 39 percent and the numerical average of such children for all school attendance areas in the LEA was 152. Under the criteria established by OE, those school attendance areas selected to participate in the program were to be those having concentrations of low-income children equal to or greater than either the LEA-wide percentage or numerical average. However, in listing the school attendance areas selected to participate in the program, this LEA listed all the areas having 24 percent or more low-income children. The 24 percent figure used was the LEA-wide percentage based on the 1960 census data; as previously stated the current percentage of low-income children for the LEA as a whole, which, according to OE, should have been used as a basis for selecting school attendance areas, was 39 percent.

   According to SEA and LEA officials, this inconsistency was noted by the SEA which informed the LEA that certain school attendance areas selected to participate in the program did not qualify on the basis of the application as submitted. We were informed by the LEA's title I Director that, in order for the same school attendance areas included in the title I program in fiscal year 1966 to remain in the program in fiscal year 1967, he had made adjustments to the data relative to most of the individual school attendance areas which resulted in a change in the LEA-wide figures.

   The LEA then submitted a revised application showing an LEA-wide percentage of low-income children of 32 percent instead of 39 percent and a numerical average of 135 instead of 152. These adjustments permitted the selection of those school attendance areas that participated in the previous year's title I program to participate in the title I program for fiscal year 1967.

The LEA's title I Director informed us that he had adjusted the data on the fiscal year 1968 application in the same manner as that on the fiscal year 1967 application so that the same schools would qualify in fiscal year 1968. He stated that to eliminate these schools from the fiscal year 1968 program would have resulted in excess equipment, personnel problems, and numerous complaints from the affected communities.

2. The other LEA's application for fiscal year 1967 showed a percentage and numerical average of low-income children for the LEA as a whole that was computed on an estimated 4,659 low-income children residing in the LEA's 59 school attendance areas. The application showed, however, that the number of low-income children residing in the 43 school attendance areas selected for participation in the program was 5,074, or 415 more children than the number used in computing the LEA-wide figures upon which the selection was based. In regard to this discrepancy, the LEA's title I Director stated that the 4,659 figure was based on his judgment.

   In computing the LEA-wide percentage and numerical average for fiscal year 1968, the LEA took into consideration changes in the total enrollment for the LEA as a whole but did not take into consideration certain changes in data that affected low-income children.

   We noted that the data submitted to the SEA in fiscal years 1967 and 1968 permitted the selection of the same school attendance areas that participated in the first year--the only exception being certain schools that were closed during the period.

We discussed the discrepancies that we found in reviewing the supporting data maintained by the LEAs with the responsible State officials. They acknowledged that the SEA should make a more concentrated effort to help ensure that reliable data is received from the LEAs for use in selecting school attendance areas for participation in the title I program.

CONCLUSION

It appears from our review, that, in the early years of the title I program, school attendance areas were selected for participation in a manner that was not wholly in accordance with program requirements established by OE (see p. 11). In our opinion, the revised criteria issued by OE for use beginning with fiscal year 1969 should help to concentrate program assistance to a greater degree in those school attendance areas having high concentrations of children from low-income families.

We believe that OE in its field visits to SEAs and LEAs should assure itself that the criteria are being adhered to in selecting school attendance areas for participation in the title I program so as to help ensure that the limited funds available under the title I program are used to the fullest extent to benefit the educationally deprived children residing in areas of high concentrations of children from low-income families.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

In view of the procedural weaknesses noted in our review in West Virginia, we recommend that the Secretary take appropriate measures, including the use of the HEW Audit Agency, for ensuring that the selections of school attendance areas to participate in the title I program are made in accordance with the current applicable criteria and in furtherance of the objectives of the governing legislation.

CHAPTER 4

NEED TO CLARIFY CRITERIA RELATIVE TO PRORATION OF SALARY COSTS

We found that the total salaries of 17 of 20 supervisors employed by the three LEAs included in our review had been charged to the title I program although the responsibilities of these individuals were not limited to title I activities. We estimate that the total salaries charged to the title I program for the 17 supervisors for a 2-year period was about $300,000.

OE guidelines point out the importance of maintaining supporting documentation for entries in the accounting records and provide that the proration of salaries to more than one program or project is a "must" for those employees who are not assigned full time to one program or approved project. According to the guidelines, such proration must be based upon the amount of time an individual devotes to the approved program and therefore must be documented by a before-the-fact statement of the estimated time that each employee will devote to the program and an after-the-fact statement of the time such person actually devoted to the program; both statements must be signed by the responsible official.

An LEA's project application sets forth the plan under which its special program for educationally deprived children will operate and for which title I funds are to be granted. We noted that the application submitted by one LEA provided that supervising specialists (curriculum specialists) would be employed in the areas of language arts, social studies, mathematics, science, health and physical education, testing, and audiovisual education to make certain that each student involved in this program would be assured of the best possible teaching that could be provided.

Although the objectives of the employment of the supervisory personnel, as stated in the LEA's approved project application, was to ensure that the educationally deprived student would receive the best possible teaching under this remedial education program, we found that the supervisors' efforts during the school year were directed toward the LEA's overall educational program rather than toward providing remedial assistance to the educationally deprived child.

The LEA's title I Director informed us that the primary responsibility of the curriculum specialists was to upgrade their particular subject area curriculum for the county school system. In addition, this official stated that the curriculum specialists acted as chairmen of the various subject matter subcommittees, which were recommended by the State Department of Education under its Comprehensive Educational Program (CEP), and assisted in the evaluation of textbooks for their respective subject areas to determine the best ones for use in the regular school system.

The objective of the CEP is to give direction to the development of a program to meet the educational needs of all children, youths, and adults. The State provides some money for the CEP, and this particular LEA was allocated about $75,000 during a 2-year period under the program to meet the objectives of the CEP. We were unable to determine the actual use of the CEP funds since there was no requirement that records of the use of such funds be maintained. We estimated that, during this same period, about $125,000 in title I funds were expended for the payment of seven supervisors' salaries. We noted that, prior to the employment of the seven supervisors whose salaries were paid for with title I funds, this LEA employed only one supervisor; the position being that of art supervisor.

We interviewed several of the supervisors, all of whom informed us that they had been involved in the CEP. Two of the supervisors informed us that they spent only about 25 and 30 percent of their time, respectively, on title I activities during the regular school year. They added that they considered all of their time during the summer applicable to the title I program. According to the LEA's title I Director, it was during the summer that teachers were available for employment under the title I program and it was during this period that the program was concentrated on the educationally deprived.

The second LEA's project application provided that helping teachers or supervisors were to be employed to give overall supervision to the projects initiated under the title I program. This supervision was to be in the fields of English, social studies, mathematics, and science at all grade levels and a supervisor or helping teacher in music.

This LEA employed ten individuals in supervisory capacities, eight of whom were paid with title I funds. We questioned whether these eight supervisors were devoting full time to the title I program. Our review showed that each supervisor was connected with the CEP and that four of these supervisors were chairmen of subject matter subcommittees. Several of these supervisors informed us that their responsibilities were not limited to title I activities. For example, LEA officials acknowledged that the special education supervisor was responsible for both the county's special education program and the title I special education program. However, the salary of the special education supervisor was charged entirely to the title I program.

During fiscal years 1967 and 1968, this LEA was allocated about $90,000 in State aid to be used to accomplish the objectives of the CEP and expended about $140,000 of title I funds for the salaries of the eight supervisors.

The third LEA's approved project application provided that supervising specialists would be employed to work with the remedial teachers in the various schools of the project area and would supervise, assist and advise the remedial teachers as needed.

The LEA employed two supervisors whose salaries were charged to the title I program; there were no other supervisors employed by this LEA. Both of these supervisors informed us that they had been involved in the CEP, and one informed us that only about 50 percent of his time was devoted to title I activities. This LEA was allocated about $72,000 by the State for its CEP during a 2-year period, but it paid the entire salaries of the two supervisors amounting to about $32,000 from title I funds during this same period.

SEA personnel did not agree that the supervisors were not devoting full time to the title I program. They stated that the title I program was a part of the regular school program and that educationally deprived students should not be set apart from the other students because it would be detrimental to the educationally deprived students' self-image. We noted, however, that, in the latter two mentioned LEAs, educationally deprived students under the title I program were set apart to attend remediation classes. SEA officials were of the view that, if the title I program generates new educational services to assist educationally deprived students, even though regular students also benefit, the salaries of the supervisors are chargeable in their entirety to the title I program. We were told, however, that if the educationally deprived students were neglected by the supervisory personnel in the development of programs, the SEA would not consider that such programs were for the benefit of title I.

Although the title I program may have benefited from the services of these supervisors, the fact remains that not all of their time was devoted to the title I program. Therefore, in line with OE guidelines, the salaries of these supervisors should have been prorated between the regular school program and the title I program.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

In view of the apparent misunderstanding on the part of SEA officials in West Virginia as to the application of OE criteria regarding the proration of salary costs to the title I program, we recommend that the Secretary (1) provide for clarification of the cited criteria to the West Virginia SEA, (2) determine the extent to which salaries of supervisory personnel charged to the title I program by LEAs in West Virginia were properly applicable to such program, and (3) make appropriate adjustments in program funds as warranted.

CHAPTER 5

CONSTRUCTION OF EDUCATIONAL FACILITIES UNDER THE TITLE I PROGRAM

We reviewed construction projects funded with title I funds at two LEAs where approximately $200,000 or about 4 percent of total program funds were expended for construction projects during the first 3 years of the title I program. This rate of expenditure for construction at these LEAs appears to be representative of the rate for all of West Virginia, which was about 3 percent of total program funds.

The title I regulations provide that a project will not be deemed to have been designed to meet the special educational needs of educationally deprived children in the project area unless the funds made available for such a project are to be used to supplement and not to supplant State or local funds in the project area. Also, the regulations provide that the LEA's application contain an assurance that the use of title I funds in a project area will not result in a decrease in the use of State or local funds in the project area.

This policy was referred to by HEW's Office of General Counsel in an informal opinion relating to the prorating of construction costs between title I funds and local funds. The opinion stated that, although it would be permissible to use title I funds to construct a supply facility for housing title I instructional materials, it would not be permissible to construct such a facility to serve general educational purposes for all children of a local school system and to charge the title I program with that part of the cost applicable to low-income children because in such cases title I funds would be used to supplant rather than supplement State or local funds.

USE OF TITLE I FUNDS TO CONTRUCT A CAFETERIA TO SERVE TOTAL STUDENT BODY

We noted that one LEA's fiscal year 1968 title I project application provided for construction of a two-story addition at an elementary school--the upper level of the addition was to consist of two rooms, both of which were to be used exclusively for programs of instruction developed under title I, and the lower level was to consist of a cafeteria for use by all pupils in the school to eat lunch.

It was proposed that the cost of constructing the second floor would be paid entirely from title I program funds and that the cost of constructing the cafeteria and related equipment would be prorated between title I funds and local funds in relation to the number of economically disadvantaged students in the school to the total number of students in the school.

We noted that the project application mentioned that, after some remodeling at a high school and the construction of this cafeteria, only two schools in the system would be without lunch facilities and that these schools had a decline in enrollment and might soon be consolidated.

Approximately 49 percent of the total student body of the elementary school was determined to be economically disadvantaged. As a result of the sharing arrangement which provided that title I program funds be used to pay for 100 percent of the cost of the upper level (classrooms) and 49 percent of the cost of the lower level (cafeteria), the title I program was charged for $37,720 of the cost of $52,534 for constructing the addition.

On the basis of our review of the cost data, it appeared that title I funds in the amount of $11,368 were used to finance the cost of constructing a cafeteria which was to be used to serve general educational purposes for all children of the local elementary school. In line with the views expressed by HEW's Office of General Counsel in regard to HEW's policy we believe that such use of title I funds was of questionable propriety.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend, therefore, that the Secretary examine into the propriety of the above charges to the title I program and the possibility of other cost-sharing arrangements in the State of West Virginia which may also result in the expenditure of title I funds for purposes not contemplated under the program.

CHAPTER 6

EQUIPMENT PURCHASED WITH TITLE I PROGRAM FUNDS

SEA reports show that equipment valued at about $6.4 million was procured under the title I program by LEAs in West Virginia during fiscal years 1966 through 1968. We reviewed the utilization of such equipment at two LEAs which had expended about $600,000 during this 3-year period. Our review showed that these LEAs applied for funds to purchase equipment for the title I program but used some of the equipment for purposes other than those approved in their project applications.

We noted that equipment purchased with title I funds was being used in the regular school program rather than for the purposes of the title I program and that certain equipment was purchased without any identifiable title I need therefore. We noted also that, at one LEA, the insurance proceeds to cover a fire loss on equipment originally purchased for the title I program were not credited to the Federal Government.

PROGRAM REQUIREMENTS

The title I regulations require that each application by a LEA provide assurance that the control of funds and title to property acquired with program funds be vested in a public agency for the uses and purposes for which they are granted. The regulations provide also that each LEA maintain an inventory of all equipment acquired with title I funds costing $100 or more a unit for the useful life of the equipment or until the equipment is disposed of.

The OE guidelines require that title I funds be used in accordance with approved project budgets and for the purposes for which the projects have been approved. In addition, a grantee is required to sign a statement of assurances, as the LEAs did in this case, that it will use title I funds only for the purposes for which they are granted. It is OE's policy that equipment purchased and used under an approved title I project may be used in other programs when it is not in use in the LEA's title I program. According to this policy, when the use of such equipment on other programs becomes disproportionate to the use on title I programs, it appears that the equipment is being used as general aid, contrary to the intent of the act and the regulations.

UTILIZATION OF TITLE I EQUIPMENT FOR NON-TITLE I PURPOSES

Our detailed review of title I equipment at two LEAs showed that equipment costing about $30,000 was being used for the general school program rather than for the educationally deprived children as required under the title I program. The situations which we found are briefly discussed below.

1. One LEA provided a new high school with 20 teacher desks and 390 student desks that were purchased with title I funds. The student desks accounted for about 85 percent of the total student desks in this school, although there were only three title I classes with a total estimated need of about 60 desks. Also, this school was furnished with 10 adjustable tables that were purchased with title I funds. Of these tables, 8 were located in a home economics class and 2 in the school's kitchen. We were informed that these tables were used in sewing and cooking in the home economic classes. The LEA's approved title I program did not provide for such use. The total cost of the title I equipment that was being used in the regular school program was about $8,100.

2. The same LEA provided another new high school with 60 teacher chairs, 33 teacher desks, 610 student desks and 110 folding tablet arm chairs that were purchased with title I funds. This school had three title I classes with a total estimated need of about 60 desks. The cost of title I equipment that was being used in the regular school program was about $15,600.

3. Another LEA's inventory records showed that art and music equipment and supplies at a cost of about $4,900 and remedial reading transparencies at a cost of about $1,100 were provided to four schools which the LEA did not select to participate in the title I program during fiscal years 1966 and 1967.

EQUIPMENT PURCHASES NOT RELATED TO IDENTIFIABLE NEEDS

One LEA purchased an adding machine, a typewriter, and a copy machine for each eligible school regardless of whether the school had similar non-title I equipment and regardless of the size of the school.

These three items of title I equipment having a cost of about $40,000 were issued to 50 schools even though 44 schools had at least one item of similar non-title I funded equipment, and in some cases, had two or more of the same item. Although the LEA's approved project application did provide for the purchase of the copy machines, it did not provide for the purchase of adding machines and typewriters.

We questioned whether these items of equipment were actually needed to carry on the LEA's title I program, or whether title I funds were used to meet and update the equipment needs of the county school system. The LEA's title I Assistant Director stated that the adding machines and typewriters had been purchased for each eligible school because the LEA did not know whether the schools had such equipment and it wanted to make certain that the title I Instructional Secretaries and Teacher Aides in each school had an adding machine for use in completing title I reports and a typewriter for use in performing routine work. He stated also that copy machines had been needed by the schools for the preparation of audio-visual aids and instructional materials.

The Assistant Director's statements indicated that this equipment was distributed to the schools regardless of whether the schools had similar non-title I equipment and regardless of the size of the school and the number of title I classes operating in the school. It appears, therefore, that the LEA's purchase of the equipment was not in all cases related to any identifiable need. The identification of a valid need for equipment to be used in the title I program should be a fundamental requirement of all LEAs.

NEED TO PROVIDE GUIDANCE WITH RESPECT TO TREATMENT OF FIRE LOSS RECOVERY ON TITLE I EQUIPMENT

At the time we completed our field review, one LEA had received insurance proceeds covering equipment ruined in a school destroyed by fire, but the portion of the insurance proceeds attributable to title I equipment was not credited to the Federal Government. Insurance proceeds for title I equipment in another school that was destroyed by fire had not been received.

The OE policy manual provides that, if for any reason a LEA sells title I equipment before the end of its useful life, the value of the equipment should be deducted from the amount of the LEA's entitlement for the following year. However, the manual is silent with respect to the treatment of insurance proceeds covering a fire loss on title I equipment.

The LEA's title I Director told us that, in the instance where insurance proceeds were received for the ruined equipment, there was no need to purchase replacement equipment because the displaced pupils were transferred to other schools where similar services were provided. Also, he expressed the belief that it probably would not be necessary to replace the equipment lost in the second fire.

We therefore believe and OE agreed that the recovery by a LEA of insurance proceeds for the loss of title I equipment should be deducted from the following year's entitlement, as the proceeds from a sale of such equipment is deducted, where replacement of the ruined equipment is not necessary for the continued operation of the program for which it was being used.

We were informed in December 1969 that insurance recoveries, totaling $3,445 had been received for the title I equipment ruined in these fires and that these recoveries had been deposited to the credit of the title I program as directed by the SEA.

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The SEA officials stated that they would study our findings relative to equipment purchased with title I funds to determine what corrective action should be taken. They stated also that they would make certain that a LEA's insurance recoveries attributable to the title I equipment would be credited to its next annual entitlement. They added, however, that they do not contemplate any recovery from the LEAs for equipment which may have been improperly used, unless OE directs them to make such recovery.

CONCLUSION

On the basis of our review, it appeared that certain equipment purchased with title I funds was being used for non-title I purposes or was purchased without relationship to any identifiable need for the equipment. In view of the limited funds available for carrying out the title I program, we believe that OE should emphasize to the West Virginia SEA the importance of requiring the LEAs to adhere to program requirements and to limit expenditures to identifiable program needs.

We believe also that there is a need for OE to provide guidance to LEAs with respect to the treatment of insurance proceeds covering loss of equipment acquired with title I funds.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary take action to ensure that appropriate West Virginia SEA and LEA officials (1) adhere to the requirement that title I funds be used only for approved title I activities and (2) establish a valid need for equipment for use in the title I program prior to its procurement. We recommend also that the Secretary provide guidance to SEAs and LEAs with respect to the treatment of insurance proceeds covering losses of equipment acquired with title I funds.

We recommend also that the Secretary (1) institute a review of the justification for and utilization of title I

equipment in the two LEAs in West Virginia covered in our review to determine whether such equipment is necessary for the conduct of the title I program in these LEAs and (2) take appropriate corrective action, as may be called for by the facts in these instances.

CHAPTER 7

AUDITS OF TITLE I PROGRAM ACTIVITIES

The title I program regulations provide that all expenditures by LEAs or SEAs be audited either by State auditors or by other appropriate auditors. OE guidelines expand on this subject to provide that such audits may be conducted as a part of the local school audit procedures prescribed by State laws or regulations. The guidelines provide further that programs for audits at LEAs be developed in accordance with generally accepted auditing standards with due consideration for Federal policies governing the use of grant funds, as well as State or local policies and procedures.

The guidelines point out that effective standards for local audits related to specific programs include, as a minimum:

1. Sufficient information for the local auditor regarding the requirements and limitations of the program to enable him to certify as to the eligibility of the expenditures reported.

2. Specific information in the audit report sufficient to permit reconciliation with amounts shown on the records in the State office and assurance that such reconciliation is actually made.

3. Assurance that exceptions reported by the auditor are brought to the attention of officials in the State office responsible for the operation of the program and assurance that appropriate adjustments or other administrative actions are taken by such officials.

The guidelines further provide that it is the responsibility of the SEA to ensure that audits of LEA expenditures conform with State laws and practices and are adequate in terms of the standards and conditions described in the guidelines whether conducted by the State agency or by outside auditors.

NEED TO EFFECTIVELY IMPLEMENT AUDIT REQUIREMENTS

Our review of the audit coverage of the title I program in the State of West Virginia showed that, although audits were being made at the LEA level by the State Tax Commissioner's Office, these audits were not of the scope necessary to comply with the audit requirements set forth in the title I guidelines.

The State audit consisted primarily of verifying that supporting documents existed for all cash receipts and expenditures by the LEA. It did not include such requirements as obtaining sufficient information to enable a certification of the eligibility of reported expenditures; verification of the correctness of prorations of costs, such as salaries and travel; and examinations into the propriety of obligations, such as those for equipment purchases. As discussed in chapters 4, 5, and 6 of this report, we noted certain weaknesses in the LEA procedures and controls relating to these aspects of program operations which indicated a need for corrective action. Had the State audits included the specific considerations required by the OE guidelines, such weaknesses may have been brought to the attention of responsible program officials for initiation of corrective action at an earlier date.

We discussed the audits made of the title I program by the State Tax Commissioner's Office with a State Assistant Superintendent of Schools and the SEA's title I program Administrator. These officials stated that, in their opinion, there was nothing they could do to bring about full compliance with the title I program audit requirements because the Tax Commissioner's Office was the only group authorized by the State law to conduct audits of LEAs and because the State Tax Commissioner did not have the personnel necessary to conduct audits of the scope required by the title I guidelines. An official of the State Tax Commissioner's Office agreed that its audits of LEAs did not fully meet the auditing standards cited in the title I guidelines and that the Tax Commissioner did not have the necessary personnel to conduct audits of the scope required by the title I guidelines.

HEW AUDITS

Audits of the title I program on behalf of HEW are conducted by the HEW Audit Agency. The HEW Audit Agency's primary objectives are to determine whether:

1. Administrative and financial internal controls are adequate to provide accurate and reliable operating and financial reports essential for management evaluation and decisions.

2. Expenditures made are only for the established projects and programs and in accordance with applicable Federal and State regulations and policies.

3. Administrative reviews have been made by the State agency to evaluate the operations of local projects or programs.

4. State and local educational agencies have properly reported their accountability for grants of Federal funds for the projects or programs conducted under the title I program.

5. Projects and programs are conducted in an economical and efficient manner and in compliance with the requirements of applicable laws and regulations and the approved State application.

The Audit Agency issued 34 reports during the period March 1, 1967, through January 1, 1970, as a result of its reviews of the title I program; there were an additional 22 reviews in process or due to be undertaken during fiscal year 1970.

With respect to the State of West Virginia, the Audit Agency had initiated a review of the title I program subsequent to the completion of our field work. We could not, therefore, evaluate the Audit Agency's conduct of the title I program audit in that State.

STUDIES TO IMPROVE AUDIT COVERAGE

We noted that the Audit Agency is involved in a Department-wide program to improve intergovernmental audit cooperation, which is focused on encouraging the States and local governments to assume an increased portion of the audit function and to avoid duplication of effort for programs involving Federal funds. Under the Department-wide program the Audit Agency has encouraged State audit agency officials to improve their capabilities to the point where they can, and will, effectively cover certain HEW programs, using guidelines developed by the Audit Agency. We were informed by Audit Agency personnel that these guidelines will include an audit guide for use by State, local, and public accountants involved in audits of the title I program.

In line with the above-mentioned objectives, the Audit Agency has undertaken 14 projects to improve State audits which cover a wide range of HEW programs, including health, public assistance, manpower training, and education, and a variety of patterns of Federal-State audit interaction. One of these projects involved the audit of the title I program. The HEW auditors expressed initial satisfaction that work performed under the project by the State of Kansas auditors was meeting Federal requirements and that State audits were becoming increasingly oriented toward compliance with Federal requirements and program management.

CONCLUSION

On the basis of our review, we believe that there is a need for improved audit coverage of the title I program by the State of West Virginia Tax Commissioner's Office. We believe also that, to achieve such improved audit coverage, OE, with the assistance of the HEW Audit Agency, should meet with State officials to resolve the problems hindering an adequate State audit coverage and to help ensure that the audits of LEAs adequately comply with the requirements of the OE guidelines.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend, therefore, that the Secretary provide for OE and the HEW Audit Agency to meet with appropriate West Virginia State officials, in furtherance of the Department's program to improve intergovernmental audit cooperation, in an effort to resolve the problems hindering an adequate State audit coverage of the title I program activities in that State.

CHAPTER 8

AGENCY COMMENTS

The Assistant Secretary, Comptroller, HEW, commented upon our findings and recommendations in a letter dated January 5, 1970, and stated that OE concurred in the specific recommendations set forth in our report. (See app. I.)

The Assistant Secretary stated also that the West Virginia SEA had issued certain directives to its LEAs, which were designed to revise and clarify policies and procedures pertinent to a number of matters discussed in the report and to avoid recurrence of statutory and regulatory questions of compliance. He informed us that OE was planning a detailed study of these issuances and an examination of the effectiveness of these revised policy and procedural documents.

The Assistant Secretary stated further that the HEW Audit Agency had been requested by OE to examine into the activities and expenditures discussed in our report and that OE would take appropriate action to effect any necessary fiscal adjustments and to accomplish such policy and procedural changes, whether at the Federal, State, or local agency level, as are warranted.

We intend to follow up on the effectiveness of the actions to be taken by HEW as part of our continuing review of HEW programs.

CHAPTER 9

SCOPE OF REVIEW

Our review was conducted at the local educational agencies in Logan, Raleigh, and Fayette Counties and at the State educational agency in Charleston, West Virginia; at the HEW regional office in Charlottesville, Virginia; and at the Office of Education headquarters in Washington, D.C.

We examined applicable legislation and related legislative documents, Federal regulations, OE program policies and directives, project applications, reports, and other pertinent documents relating to the title I program. We interviewed personnel with responsibilities under the program at all the above-mentioned locations.

Our review was directed primarily toward an examination into (1) the procedures and criteria used in selecting the particular areas within an LEA eligible to participate in the program, (2) the allowability of charges to the program, and (3) the justification for and utilization of equipment purchased under the program.

APPENDIXES

APPENDIX I
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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

OFFICE OF THE SECRETARY

JAN 5 1970

Mr. Philip Charam
Associate Director
United States General
  Accounting Office
Washington, D.C. 20548

Dear Mr. Charam:

Thank you for your letter of October 29, 1969 to The Secretary, with which you forwarded the draft report of the General Accounting Office (GAO) review of Office of Education administration, in the State of West Virginia, of the education program authorized by Title I of the Elementary and Secondary Education Act of 1965. We appreciate the opportunity to review and comment on the findings and recommendations.

As you requested, the Office of Education has secured comments regarding the draft report from the West Virginia State Department of Education and from the three local educational agencies whose Title I activities were reviewed by GAO representatives.

The West Virginia State Department of Education already has issued to its local educational agencies certain directives designed to revise and clarify policies and procedures pertinent to a number of the matters discussed in the draft report and to avoid recurrence of statutory and regulatory questions of compliance. Included among these issuances are directives dealing with employment of staff for Title I projects, proration of salary costs for personnel engaged part-time in Title I activities, the duties and responsibilities of County-level Title I coordinators and project directors, and local accountability for Title I equipment.

Following detailed study of these issuances, the Office of Education will advise the West Virginia State Department of Education of their adequacy and of any discernible need for additional or revised instructions to the local educational agencies. Further, the Office of Education will emphasize examination of the effectiveness of these revised policy and procedural documents both in its review of the report of an audit of Title I activities currently being performed in West Virginia by this Department's Audit Agency and in the course of its own next scheduled Title I program review in that State.

The draft report contains the conclusion that the revised Office of Education eligibility criteria, for use beginning with fiscal year 1969, should help to concentrate Title I program assistance to a greater degree on those West Virginia school attendance areas having high concentrations of educationally deprived children from low-income families. We believe the validity of that conclusion gains support from the response from the West Virginia State Department of Education, which reports that effective results already have been attained through application of the revised eligibility formula issued by the Office of Education.

The Office of Education concurs in the several specific recommendations set forth in the draft report. Accordingly, the Departmental Audit Agency, at the request of the Office of Education, will include in the scope of its current audit of Title I projects and administration in West Virginia an examination of the propriety and allowability of the activities and expenditures about which questions are raised in the draft report. Upon receipt of the report of that audit, the Office of Education will take appropriate action to effect any necessary fiscal adjustments and, more importantly, to accomplish such policy and procedural changes, whether at the Federal, State or local agency level, as may be indicated by the audit findings and recommendations.

Your Office's recommendations, together with the report of the Departmental audit now in progress, will be brought to the attention of the task force recently established by the Assistant Secretary/Commissioner of Education to review and to propose improvements in all the policies and procedures used to implement and administer the Title I program at all levels of government.

We are particularly appreciative of the comments in the draft report concerning the intergovernmental cooperation demonstration projects designed to improve the audit capabilities of State agencies. We are fully committed to increasing to the maximum practicable extent our efforts to assist State agencies to develop audit capabilities consistent with Federal requirements. The response by the West Virginia Department of Education indicates its awareness of this problem and its efforts, in conjunction with the State Audit Agency (Tax Commission), to effect needed changes in the scope and depth of local audits. We will review with particular interest all evidence of the effectiveness of the monitoring system established by the West Virginia State Department of Education.

Sincerely yours,

James F. Kelly

James F. Kelly
Assistant Secretary, Comptroller

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE HAVING RESPONSIBILITY FOR THE MATTERS DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
SECRETARY OF HEALTH, EDUCATION, AND WELFARE:		
Robert H. Finch	Jan. 1969	Present
Wilbur J. Cohen	Mar. 1968	Jan. 1969
John W. Gardner	Aug. 1965	Mar. 1968
Anthony J. Celebrezze	July 1962	Aug. 1965
ASSISTANT SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOR EDUCATION:		
James E. Allen, Jr.	May 1969	Present
Peter P. Muirhead (acting)	Jan. 1969	May 1969
Lynn M. Bartlett	July 1968	Jan. 1969
Paul A. Miller	July 1966	July 1968
Francis Keppel	Oct. 1965	May 1966
COMMISSIONER OF EDUCATION:		
James E. Allen, Jr.	May 1969	Present
Peter P. Muirhead (acting)	Jan. 1969	May 1969
Harold Howe, II	Jan. 1966	Dec. 1968
Francis Keppel	Dec. 1962	Jan. 1966

ADDENDUM

Part 10

HEARING OF JUNE 14, 1971

Displacement and Present Status of Black School Principals in Desegregated School Districts

MEMORANDUM

NOVEMBER 19, 1971.

MR. BILL SMITH,
Chief Counsel, Select Committee on Equal Educational Opportunity, Senate Annex Room 309

DEAR BILL: I am sending you some information which Senator Ervin has received from the National Association of Secondary School Principals.

It might be interesting to have the information inserted in your hearing on the status of black principals in the United States.

Sincerely,

ROBERT B. SMITH, Jr.,
Chief Counsel,
Revision and Codification Subcommittee.

NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS,
Washington, D.C., October 20, 1971.

Hon. SAM J. ERVIN,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Please find enclosed a survey of the status of the black principals in those States not included in our original investigation. This study was undertaken as a result of your request at last June's hearings of the Senate Select Committee on Equal Educational Opportunity. It is incomplete in many respects. In several instances the statistics were simply not available, or not available in the form requested. However, we have prepared the data as reported to the NASSP and we hope we have organized them in a meaningful form.

Additionally, the Departments of Justice and Health, Education, and Welfare have been alerted to our investigation, and have promised to forward all appropriate statistics in their possession. We shall forward these to you immediately upon receipt.

We hope that these data will be helpful in answering some of your questions. As anticipated, it is a rather thin statistic but it does confirm that racial discrimination is a national concern. If the NASSP can be of further assistance, I hope you will not hesitate to contact this office. We are grateful for your continuing interest and support in seeking viable solutions to this increasingly serious problem.

Yours very sincerely,

OWEN KIERNAN,
Executive Secretary.

SURVEY QUESTIONS

	Categories—									
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Alaska	33	21	(1)	(1)	18	11	(1)	(1)	(1)	(1)
Arizona [2]	811	(1)	21	(1)	(1)	(1)	(1)	(1)	(1)	(1)
California [2]	9,508	9,110	170	165	(1)	(1)	(1)	(1)	(1)	(1)
Colorado	154	(1)	1	1	133	(1)	2	(1)	1	4
Connecticut [2]	221	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
District of Columbia [2]	21	11	15	8	30	29	28	22	(1)	(1)
Delaware	33	36	3	3	37	21	3	2	4	4
Hawaii	32	29	0	0	43	40	0	0	0	0
Idaho	126	129	0	0	82	80	0	0	0	0
Illinois [2]	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Indiana	409	502	(1)	(1)	258	173	(1)	(1)	(1)	(1)
Iowa [2]	353	448	0	0	223	194	6	1	0	8
Kansas	313	556	(1)	(1)	132	109	(1)	(1)	(1)	(1)
Maine	151	201	0	0	66	52	0	0	0	0
Massachusetts	349	337	1	1	262	195	5	1	1	5
Michigan [2]	3,535	(1)	157	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Minnesota	411	(1)	1	0	133	(1)	2	0	3	4
Missouri [2]	710	740	(1)	(1)	289	(1)	(1)	(1)	(1)	(1)
Montana	171	173	0	0	198	194	0	0	0	0
Nebraska	264	214	0	0	72	54	1	0	0	1
New Hampshire	82	86	0	0	22	(1)	0	0	0	0
Nevada	44	40	(1)	(1)	24	19	(1)	(1)	(1)	(1)
New Jersey [2]	2,033	(1)	76	(1)	(1)	(1)	(1)	(1)	(1)	(1)
New Mexico	118	116	0	(1)	92	101	0	(1)	0	1
New York [2]	828	(1)	11	(1)	716	(1)	21	(1)	3	3
North Dakota	205	180	0	0	15	5	0	0	0	0
Ohio	895	(1)	10	(1)	636	(1)	27	(1)	12	30
Oklahoma	501	571	(1)	(1)	339	335	(1)	(1)	(1)	(1)
Oregon	175	150	(1)	(1)	107	75	(1)	(1)	(1)	(1)
Pennsylvania	785	717	(1)	(1)	447	347	(1)	(1)	(1)	(1)
Rhode Island	69	71	0	0	50	41	1	0	0	2
South Dakota	195	233	0	0	34	27	0	0	0	0
Utah [2]	165	179	(1)	(1)	348	384	(1)	(1)	(1)	(1)
Vermont	82	109	0	0	8	5	0	0	0	0
Washington	301	(1)	2	0	246	(1)	1	0	2	3
West Virginia	179	214	0	(1)	131	136	3	(1)	0	0
Wisconsin	397	392	1	1	178	170	2	2	(1)	(1)
Wyoming	78	73	0	0	54	49	0	0	0	0

NOTES TO CATEGORIES

(1) What was the total number of high school principals in your State during the 1970–71 school year?

(2) What was the total number for 1965–66?

(3) What was the total number of black high school principals employed in your State during the 1970–71 school year? (Do not include assistant principals.)

(4) How many were there in your State in 1965–66?

(5) What was the total number of middle school and junior high school principals in your State during the 1970–71 school year?

(6) What was the total number for 1965–66?

(7) What was the total number of black middle school and junior high school principals employed in your State during the 1970–71 school year?

(8) How many were there in your State in 1965–66?

(9) What do you project to be the total number of black high school principals employed in your State during the 1971–72 school year?

(10) What do you project to be the total number of black middle school and junior high school principals employed in your state during the 1971–72 school year?

[1] Unknown.

[2] Arizona—Categories 1 and 3 include principals, assistant principals, and vice principals, and secondary and middle schools. California—Category 1 is the 1967–68 figure for all school levels; category 2 is the 1966–67 figure for all school levels; category 3 is the 1967–68 figure for all school levels; and category 4 is the 1966–67 figure for all school levels. Connecticut—Category 1 includes secondary schools and elementary schools. District of Columbia—Categories 2, 4, 6, and 8 are 1968 figures. Illinois—A study is currently underway. Iowa—Categories 5, 6, 7, and 8 include assistant principals. Michigan—Categories 1 and 3 represent principals at all levels. Missouri—Categories 1, 2, and 5 include assistant principals. New Jersey—Categories 1 and 3 represent principals at all levels. New York—Categories 9 and 10 are projected to be less than 3 percent of the total. Utah—Categories 5 and 6 include middle schools and elementary schools.

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